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Minnesota Laws

RELATING TO THE

State Board of Control

and Institutions under its Management or Supervision; also miscellaneous provisions pertaining to certain powers and duties of the Board.

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LAWS*

Relating to the

State Board of Control

THE BOARD, ITS OFFICERS AND EMPLOYES.

4001. **Organization**—The State Board of Control shall consist of three members, appointed by the governor with the consent of the senate, each for the term of six years, and until their successors qualify. Vacancies shall be filled by like appointment for the unexpired terms. The member whose term first expires shall be chairman. The governor may remove any member for malfeasance or nonfeasance in office, or for any cause which renders him incapable or unfit to discharge his official duties.

4053. **Salaries**—Each member of the board shall receive a salary of $4,500 per annum, payable in monthly instalments.

4002. **Bond—Duties—Examination**—Before entering upon such office, each member shall give bond to the state in the sum of $25,000, to be approved by the governor, conditioned for the faithful discharge of his official duties. Each shall devote his entire time to such duties, and shall hold no other lucrative office. The books and affairs of the board shall be subject to examination by the public examiner.

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*Explanation: When not otherwise stated, section numbers refer to sections in compilation of laws entitled, "General Statutes of Minnesota, 1913."

4003. **Employes—Seal—Supplies—Etc.** — Said board shall be provided with suitably furnished offices at the seat of government, and may procure all books, blanks, stationery, postage and other office supplies required in the transaction of its business. It shall employ an architect, a secretary, and other needed office help. It shall have an official seal, and authenticate therewith all commissions, discharges, paroles, and other like documents. All contracts made by the board shall be in writing, signed by its chairman.

4007. **Purchasing Agents**—The Board of Control may appoint a purchasing agent for each or any of the institutions under its financial or exclusive management, who, under its direction and subject to its rules, shall attend to the purchase of necessary supplies therefor. The compensation and necessary expenses of such agent shall be paid out of the funds provided for the institution to which he is assigned.

4022. **Supervision Over Paroled Patients—State Agents**—The State Board of Control, so far as possible, shall exercise supervision over paroled patients of the state hospitals and asylums for the insane and of the school for feeble-minded and colony for epileptics, and when deemed necessary for that purpose, may appoint one or more state agents and fix salary. It may also appoint suitable persons in any part of the state for the same purpose. Every such agent or person shall perform such duties as the board may prescribe in behalf or in supervision of patients paroled from any hospital or asylum for the insane in the state and from the school for feeble-minded and colony for epileptics, including assistance in obtaining employment and the return of parole patients when necessary. Such agents and such persons shall hold office at the will of the board, and the persons so appointed shall be paid a reasonable compensation for the services actually performed by them. Each shall be paid from the current expense fund of the institution for the benefit of which they were appointed in proportion to the number of patients paroled from each

4023. (As amended by Chapter 208, Laws 1917)—**Same—Qualifications of Agents**—No one shall be appointed as such agent without having had previous experience in caring for the insane or feeble-minded at a hospital for the insane or school for the feeble-minded for a period of not less than one year.

4008. **Institution Officers**—Said board shall appoint a chief executive officer for each institution under its exclusive control, and may remove him for misconduct, incompetency or neglect of official duty. No such removal shall be made except upon written charges and opportunity to be heard. Every such executive officer shall have the qualifications and perform the duties now or hereafter required by law, or by rules prescribed by said board. In case of an apparent conflict between the powers conferred by law upon any executive officer of any state institution, and those conferred by this chapter upon the Board of Control, it shall be conclusively presumed that the power belongs to the latter.

4009. **Assistants and Employes**—The chief executive officer of each of said institutions shall appoint all assistants and other employes required in the management thereof, the number being first determined by said board, and may discharge any of them; but he shall keep a record of the date of such discharge, and the reason therefor. The board shall fix the compensation of all officers and other employes in such institutions, except those fixed by law, and shall classify the officers and employes; and the salaries paid to any class shall be uniform in similar institutions. Such compensation shall be included in the monthly estimates, and paid in the same manner as other expenses.

Chapter 192, Laws 1919. **Employes—Preference in Appointments and Promotions**—That in every public department and upon all public works in the state of Minnesota and the counties, cities, and towns thereof members of the United States army and navy reserves and honorably discharged soldiers, sailors and marines from the army and navy of the United States in the

late Civil and Spanish-American and Philippine Insurrection wars and the China relief expedition, and the late world war wherein the United States of America and the Allied nations of England, France, etc., were engaged in war against the Imperial German Government and its Allies, who are citizens and residents of this state, shall be entitled to preference in appointments, employment and promotion over other applicants therefor, and the persons thus preferred shall not be disqualified from holding any position hereinbefore mentioned on account of his age or by reason of any physical disability, provided such age or disability does not render him incompetent to perform properly the duties of the position applied for and when such soldier, sailor or marine shall apply for appointment or employment under this act, the officer, board or person whose duty it is or may be to appoint or employ such person to fill such position or place, shall before appointing or employing anyone to fill such position or place, make an investigation as to the qualifications of said soldier, sailor or marine for such place or position, and if he is a man of good moral character, and can perform the duties of said position applied for by him, as hereinbefore provided, said officer, board or person shall appoint said soldier, sailor or marine to such position or place of employment.

A refusal to allow the preference provided for in this and the next succeeding section to any member of the United States army or navy reserves or honorably discharged soldier, sailor, or marine or a reduction of his compensation intended to bring about his resignation or discharge, shall entitle such honorably discharged soldier, sailor or marine to a right of action therefor in any court of competent jurisdiction for damages, and also for a remedy for mandamus for righting the wrong.

Sec. 2. **Same—Writ of Mandamus for Removal**—Any person whose rights may be in any way prejudiced contrary to any of the provisions of this section, shall be entitled to a writ of mandamus to remedy the wrong. No person holding a position by appointment or employment in the state of Minnesota or in the sev-

eral counties, cities or towns thereof, who is a member of the United States army or navy reserves or an honorably discharged soldier, sailor or marine having served as such in the army and navy of the United States in the late Civil and Spanish and Philippine insurrection wars, and the China Relief expedition, and the late world war wherein the United States of America and the Allied Nations of England, France, etc., were engaged in war against the Imperial German Government and its Allies, shall be removed from such position or employment except for incompetency or misconduct shown after a hearing, upon due notice, upon stated charges, and with the right of such employe or appointee to review by writ of certiorari. The burden of proving incompetency or misconduct shall rest upon the party alleging the same. Nothing in this act shall be construed to apply to the position of private secretary or deputy of any official or department, or to any person holding a strictly confidential relation to the appointing officer.

4010. **Political Influence—Removal**—Every officer or member of said board, and every officer or employe of any institution under its control, who by solicitation or otherwise exerts his influence, directly or indirectly, to induce other officers or employes of the state to adopt his political views, or to favor any particular person or candidate for office, or to contribute funds for campaign or political purposes, shall be removed from his office or position by the authority appointing him.

4011. **Official Bonds**—The board shall require its officers and employes, and those of the several institutions under its control, who may be charged with any money or property belonging to the state to give bond to the state, properly conditioned, in such sum and with such sureties as it shall approve.

8239. **Bonds, by Whom Approved**—Except as otherwise provided by law in particular cases, bonds shall be approved as follows:

1. The official bonds of all state officers, including those of the treasurers, superintendents and other officials, and employes of the

several public educational, charitable, penal and reformatory institutions belonging to the state, shall be approved, as to form, by the attorney general, and in all other respects by the governor and the public examiner, or one of them.

8240. **Place of Filing Bonds**—Except when otherwise especially provided by law, the bonds of public officials shall be filed as follows:

1. Those of all state officers, including the officials and employes of the several departments and institutions thereof, with the secretary of state, who shall record and retain the same.

4043. **Gifts and Gratuities**—No member, officer, agent or employe of said board, and no officer or manager of any institution under its charge, shall, directly or indirectly, for himself or another, or for any such institution, receive or accept any gift or gratuity from any dealer in goods, merchandise or supplies which are or may be used in any such institution, or from any servant or agent of such dealer. Any violation of the provisions of this section shall be a misdemeanor.

Chapter 40, Laws 1919. **Hours of Labor**—Eight hours shall constitute a day's work for all laborers, workmen, mechanics, prison guards, janitors of public institutions, or other persons now employed or who may hereafter be employed by or on behalf of the state of Minnesota, except in cases of extraordinary emergency which may arise in time of war, or in cases where it may be necessary to work more than eight hours per calendar day for the protection of property or human life. (Effective January 1, 1920.)

RELATION TO INSTITUTIONS.

4004. (As amended by Chapter 343, Laws 1917)—**Institutions Under Exclusive Control**—The board shall have the exclusive management of the state prison, state reformatory, state training school for boys and girls, the school for the feeble-minded, the state hospitals and

asylums for the insane, the state school for the blind, the state school for the deaf, the state public school for dependent children, the state hospital for indigent, crippled and deformed children, the state hospital for inebriates and except as otherwise provided by law, the state sanatorium for consumptives, the home school for girls and the state reformatory for women. All expenditures for or on account of said institutions shall be made out of the funds appropriated or provided for each respectively.

3066. **University and Normal Schools**—The board of control shall have and exercise full authority in all financial matters of the several institutions named in this act, so far only as relates to the erection and construction of new buildings and the purchasing of fuel. When new buildings are to be erected and constructed by authority of the state, it shall be the duty of the board of control to cause to be prepared plans and specifications for the same, but in so doing it shall consult with the local board in respect to said plans and specifications, and shall adopt and carry out so far as it deems practical, their request and desires in the matter. Provided, that said state board of control may in its discretion authorize the controlling board of any institution, for which any building is authorized to be constructed, to construct such building in case the cost thereof does not exceed the sum of five thousand ($5,000.00) dollars. If such authorization be granted said state board of control shall file its written consent thereto with the state auditor, and thereupon such building may be constructed under the direction of such controlling board. (See also page 22.)

3956. **Soldiers' Home**—The state board of control shall have and exercise full authority in the erection and construction of new buildings at the soldiers' home. When new buildings are to be erected and constructed by authority of the state or old buildings to be remodeled it shall be the duty of the board of control to cause to be prepared plans and specifications for the same, but in so doing, it shall consult with the trustees of the soldiers' home, in respect to said plans and specifications and shall

adopt and carry out so far as it deems practicable their requests and desires in the matter.

4049. **Purchase of Fuel**—Said board shall also purchase fuel for all state institutions except the soldiers' home.

Chapter 174, Laws 1917—**Governmental Departments**—It shall be the duty of the State Board of Control to purchase for all the governmental departments of the state of Minnesota, not now under the financial or exclusive management of said Board, all stationery, furniture, supplies and equipment now or hereafter required by law to be furnished by the state and for such purposes the Board may appoint a purchasing agent and fix his compensation, who under its direction and subject to its rules shall attend to such purchases.

6499. **State Agricultural Society**—New buildings, the estimated cost of which shall be fifteen thousand dollars or more, shall be erected under the direction and supervision of the state board of control, but the governing board shall procure and adopt all plans and specifications for such buildings, which plans and specifications shall be used by the board of control in inviting bids and in the letting of contracts; **provided**, that no contract shall be entered into by said board of control for the construction of any building until such contract and bids received shall have first been submitted to the governing board of the state agricultural society and their approval of the same obtained in writing.

56. **Care of New State Capitol—Purchase of Fuel and Other Supplies**—The board of state capitol commissioners heretofore created under and by virtue of chapter 2, of the General Laws of 1893, are hereby authorized, in addition to the powers heretofore given them, to properly care for, operate and maintain the new capitol building, and to prepare, adorn and care for the grounds surrounding the same, until such time as said building may be fully completed, not exceeding two years from the passage of this act, and shall hire and employ such engineers, firemen, electricians, elevator operators, jan-

itors and other help as may be needed, and discharge the same and hire others in their discretion, and shall, through the Board of Control of state institutions, purchase necessary fuel and other supplies.

County Sanatoria for Consumptives—Sections 717 to 730, General Statutes, 1913, as amended by chapter 270, G. L. 1915, authorizes the boards of county commissioners in any county or group of counties, with the advice and approval of the advisory commission of the Minnesota sanatorium for consumptives to establish and maintain sanatoria for the treatment and care of persons affected with tuberculosis; provides for the appointment of a "county sanatorium commission" to have charge and control of the location, establishment and maintenance of the institution; and further provides that the state shall pay one-half the cost of the site, buildings and equipment (not exceeding in the case of any one institution $50,000), and that the state board of control shall have full power and control over the construction and equipment of buildings.

The following synopsis of this law, setting forth the powers and duties of the county sanatorium commission, the advisory commission of the Minnesota sanatorium for consumptives, the state board of health and the state board of control, is prepared from opinions rendered by the attorney general.

When all preliminary requirements have been completed:

1. The county sanatorium commission shall select a site and determine how much shall be paid therefor, and also determine, in a general way, the character and cost of the buildings to be erected and the character and cost of the equipment thereof.

2. The selection of the site and the determination as to the amount to be paid therefor, the character and cost of the buildings to be erected, and the character and cost of the equipment thereof, must be approved by the advisory commission of the Minnesota sanatorium for consumptives.

3. The county sanatorium commission shall procure from the owner of the site an abstract

of title and warranty deed conveying the property to the county, and shall submit said abstract of title and warranty deed to the county attorney for his approval as to the title to the property and as to the form and execution of the deed.

4. The county sanatorium commission shall determine how much of the sanatorium fund of the county shall be expended for site, buildings and equipment, issue a voucher for such amount, and cause the money to be transmitted to the state treasurer. (Note—The state board of control may issue voucher in payment for the site as soon as sufficient funds to cover the cost of same have been collected by the county and transmitted to the state treasurer.)

5. The county sanatorium commission shall transmit to the state board of control the following documents:

(a) Notification of the selection of a site and the amount that is to be paid therefor, including a technical description of the land selected for a site.

(b) Notification of the general character of the buildings to be erected and the estimated cost thereof; the character of the equipment and the estimated cost thereof; the amount of the sanatorium fund of the county that is to be expended for site, buildings and equipment; the amount of the sanatorium fund of the county that has been sent to the state treasurer.

(c) The approval of the advisory commission of the Minnesota sanatorium for consumptives as to the selection of the site, the amount to be paid therefor, the character and cost of the buildings to be erected, and the character and cost of the equipment thereof.

(d) Abstract of title to property selected as a site.

(e) Warranty deed conveying the property to the county.

(f) Opinion of the county attorney as to the title to the property and as to the sufficiency of the instrument of conveyance.

6. The state board of control shall issue a voucher in favor of the owner of the prop-

erty for the amount determined by the county sanatorium commission to be paid therefor, cause the deed to be recorded in the office of the register of deeds, and file the abstract and deed with the county auditor.

7. The state board of control shall select and employ an architect to prepare plans and specifications for the buildings to be erected.

8. The state board of control shall prepare and execute contract with architect.

9. The plans and specifications for the buildings to be erected shall be approved by the advisory commission of the Minnesota sanatorium for consumptives.

10. The plans and specifications shall be approved (as to sanitary features only) by the state board of health.

11. The state board of control shall secure proposals for construction of buildings and award and execute all contracts.

12. The county sanatorium commission shall submit to the state board of control, at least sixty days prior to the completion of the buildings, an itemized statement, approved by the advisory commission of the Minnesota sanatorium for consumptives, of the equipment required, including the estimated cost of each item. Blank forms for this purpose will be furnished by the state board of control.

13. The state board of control shall purchase all equipment for the sanatorium.

14. The state board of control shall have full power and control over the construction and equipment of the sanatorium.

15. The county sanatorium commission shall have full charge and control of the maintenance of the sanatorium when same has been erected and equipped, but may confer with the state board of control with reference thereto or respecting the purchase of supplies therefor whenever it desires so to do, and the state board of control shall aid in the securing of favorable contracts for the purchase of supplies when so called upon.

4014. **Rules**—The board may adopt rules for the conduct of its business, and prescribe reasonable regulations defining the duties and providing for the government of the officers and employes of the institutions under its control.

VISITATION AND INVESTIGATION.

4020. **Investigation—Witnesses—Contempt—** As often as once in six months said board, or a committee thereof, shall visit and inspect each of said institutions and investigate its financial condition and management. It shall have power to summon and compel the attendance of witnesses to examine them under oath, and order the production of all books, property and papers material to such investigation. Witnesses other than those in the employ of the state shall receive the same fees as in civil cases in the district court. The claim that any testimony or evidence sought to be elicited or produced may tend to criminate the person giving or producing it, or to expose him to public ignominy, shall not excuse him, but no person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any matter or thing concerning which he may be so required to testify or produce evidence. Provided, that he shall not be exempted from prosecution and punishment for perjury committed in so testifying. Said board shall cause the testimony so taken to be transcribed and filed with the secretary of the board as soon as practicable, and when so filed it shall be open to public inspection. Every person failing or refusing to obey any order of such board issued under this section, or to give or produce evidence when so requested, shall be reported by the board to the district court, and shall be dealt with as for a contempt of court.

4021. **Insane Hospitals, Etc.—Visitation—** Each hospital and asylum for the insane shall be visited by a member or the secretary of the board once each month. The board, when it deems proper, may appoint a competent woman to visit and report upon any such hospital or asylum. She shall be paid a reasonable compensation for services and expenses from the funds appropriated for the support of the institution visited.

4026. **Inspection by Board—** Said board, or any member thereof, upon stated visits to any institution shall inspect every part thereof, the general and special dietary and the stores and methods of supply, and, so far as practicable,

shall see all inmates of the charitable institutions, especially those admitted since the preceding visit, and shall give such as desire it suitable opportunity to converse with them privately. The board, or any of its members, may examine under oath the officers, attendants, guards and other employes, in order to determine their fitness for their duties.

REPORTS.

4018. **Biennial and Other Reports**—On or before November 15, in each even numbered year, said board shall make a report to the governor and legislature covering the biennial period ending July 31, preceding, therein giving its observations and conclusions respecting each institution under its control. Said report shall contain the reports of the executive officers of said institutions, a statement of the visitations thereto, and when and by whom made, the name and salary of every employe of said board, and of every officer and employe of said several institutions. Such report shall be published under the direction of the state printer, and paid for out of the appropriation for public printing. Said board shall make such other reports to the governor as he may from time to time require or as it may deem necessary relating to the conditions and wants of the said several institutions.

4042. **Annual Report and Inventory**—The chief executive officer of every such institution, on or before September 1 of each year, shall submit to said board a statement of the condition thereof and an accurate inventory of all the property, stock and supplies belonging to such institution, with the amount and value thereof, in the order prescribed by said board. In such inventory land and buildings shall be listed at their actual cost to the state, as nearly as known, and movable property at its estimated value. Such inventory shall be kept by said board, and an abstract published in its biennial report.

4017. **Dissemination of Information**—Said board shall gather, compile and disseminate information embodying the experience of charitable, reformatory and penal institutions in this

and other countries, regarding the best and most successful methods of caring for the insane, defective and criminal classes. It shall encourage and urge the scientific investigation of the treatment of insanity and epilepsy by the medical staffs of the insane hospitals and asylums and the school for the feeble-minded, and from time to time shall publish bulletins and reports of the scientific and clinical work done in said institutions. It shall provide the forms for statistical returns to be made by said institutions in their annual and other reports. The total annual expenditure under this section shall not exceed $500.

BIENNIAL BUDGET

Chapter 356, Laws 1915—**Definition**—The word "estimate" as used in this title shall mean a statement showing:

1. The expenditure for the purposes specified during each year of the current biennial period.
2. The funds available or appropriations authorized for the same purposes, during each year of the current biennial period.
3. The amounts needed during each year of the ensuing biennial period for the work, and for the other disbursements of any department bureau, board, institution, office or branch of the state government including purchases of land and permanent improvements.
4. The anticipated funds or revenues available for such purposes and the anticipated receipts in connection with such work.
5. Such other information as may be required by law or by executive order.

The word "budget" shall mean the complete estimates for the entire state government, including a summary thereof and a schedule of appropriations required and of estimated tax levies to correspond therewith.

Sec. 2. **By Whom Prepared**—Every officer, board, commission or institution of this state, under whose direction any public money is to be expended shall prepare an estimate at such time and in such form as may be required by law or executive order.

Sec. 3. **To Whom Submitted**—Every estimate so prepared shall be submitted to the

governor; provided that the estimates of subordinate officers or boards shall be submitted to the superior officer or board under whose direction the official making such estimate is directly acting.

Sec. 4. **Revision**—It shall be the duty of every officer and of the members of every board to whom any such estimates are submitted, to assemble the same, and in consultation with the subordinate officers or boards submitting them, to revise such estimates before they are finally submitted to the governor, which shall be done not later than the first day of December in each year immediately preceding the regular session of the legislature.

Sec. 5. **Duties of the Governor**—It shall be the duty of the governor, not later than December 31st immediately preceding each regular session of the legislature, to assemble all estimates so prepared and in consultation with the chief executive officers to make final revision of such estimates, having in view the total expenditures, total revenues and the tax levy, and to that end he shall include the estimated expenditures for the judiciary, the legislature, the state university and the state militia. He shall thereupon prepare the "budget" and shall cause to be printed in a form convenient for the legislature, a sufficient number of copies thereof to supply at least one copy to each member of the legislature and to the chief executive officers of the state, and shall lay it before each branch of the legislature not later than the first day of February.

Sec. 6. **Form**—Every estimate shall be in such form as required by law or as the governor may by executive order direct. All estimates shall be as nearly as practicable of a similar form.

Sec. 7. **Contents**—Every estimate shall present the following information and such other information as may be required by law or as the governor may direct:

1. It shall show in parallel columns:

Name of item.

Citations to statutes authorizing the service or fixing particular items.

Appropriations for each year of the current biennial period.

The actual expenditures and anticipated expenditures during each year of the biennium.

Amounts needed for each year of the coming biennium.

Explanations of increases or decreases.

Estimated revenue or receipts in connection with each service.

2. It shall distinguish each line of work or activity and shall distinguish at least the following classes of expenditures: (1) salaries; (2) permanent improvements and equipment; (3) all other expenses.

Sec. 8. **Allotments**—It shall be the duty of each disbursing officer or board within thirty days after the passage of any appropriation by the state legislature to allot within each appropriation to be expended under his or its direction, the amounts if any, for the several purposes set forth in the "budget" submitted to the legislature, not inconsistent with the terms of the appropriation act. Subject to the restrictions of the appropriation act allotments may, in case of necessity, be altered by the officer or board charged with the disbursement thereof. All such allotments and any changes thereof shall, as soon as made, be filed with the state auditor.

Sec. 9. **Accounting**—A debit and credit account of every allotment shall be kept by the auditor and by the officer or board concerned and no expenditure shall be made in excess of the balance available therein.

4030. **Biennial Estimates—Suggestions for Legislation**—Said board shall prepare for the use of the legislature biennial estimates of appropriations necessary or expedient to be made for the support of the said several institutions, and for extraordinary and special expenditures for buildings and other improvements. It shall also in connection therewith make suggestions relative to legislation for the benefit of said institutions, or for improving the condition of the dependent, defective or criminal classes. Said board and its secretary, on request, shall appear before any legis-

lative committee and furnish any required information in regard to the condition of any such institution.

PURCHASE OF SUPPLIES.

4027. **Estimates for Supplies**—On or before the 15th of each month the chief executive officer of every such institution shall cause to be prepared triplicate estimates, in minute detail, of all expenditures required for the next month, with estimated cost of each item. Such estimates shall be accompanied by a statement of all revenues received by such institution, and accounted for to the state treasurer on the 1st of such month. Two of said estimates shall be filed with the board, and the other retained. The board may revise such estimates as to quantity, quality and cost, and shall certify thereon that the articles named therein, as so revised, are required for actual use. One copy of the revised estimate shall be sent to the institution and one retained. The copy so sent shall be sufficient to authorize the proper officer to purchase such supplies, at prices not exceeding those therein named, upon at least thirty days' time. Itemized bills in duplicate, verified in the form prescribed by the rules of the board, shall be required for all purchases, whether upon contract or otherwise.

4032. **Contracts for Supplies**—The proper officers of any such institution, under direction of said board, may make contracts for such supplies as it may find expedient for such institution to purchase in bulk for use or consumption for periods longer than thirty days. But such contracts shall be made only in conformity with the provisions of this chapter relating to estimates. Said board, whenever it deems it for the best interest of the state, may contract for the purchase of supplies, in bulk or otherwise, for any or all the institutions under its control.

4033. **Same—Rules**—Said board shall make specific rules as to the manner in which supplies shall be purchased and contracts made for the several institutions, so as to insure competition and publicity. Any person desiring to sell supplies to an institution who shall

file with the chief executive officer thereof, and with the secretary of the board, a memorandum showing his address and business, shall be afforded an opportunity to compete for the furnishing of supplies, under such rules and limitations as the board may prescribe. In purchasing supplies preference shall be given to Minnesota dealers when it can be done without loss to the state. Samples furnished shall be properly marked and preserved for six months after purchase of such supplies.

CONSTRUCTION OF BUILDINGS.

4031. **Plans and Specifications—Limitations—** Said board shall prepare plans for all improvements or buildings costing more than one thousand dollars, for which it may recommend an appropriation. Such plans shall be paid for out of any money in the state treasury not otherwise appropriated, but when an appropriation has been made for the purpose of constructing such building, the fund from which payment for plans was made shall be reimbursed from such appropriation, and no part of the balance shall be expended until the board has secured suitable plans and specifications, prepared by a competent architect and accompanied by a detailed statement of the amount, quality and description of all material and labor required for the completion of the work; and no plan shall be adopted, and no improvement made or building constructed, that contemplates the expenditure for its completion of more money than the appropriation therefor, unless otherwise provided in the act making the appropriation. In no event shall the board direct or permit any expenditure beyond that appropriated or contemplated by law, and any member, officer or agent of the board violating this provision shall be guilty of a gross misdemeanor.

Chapter 211, Laws 1915 **Material for Buildings**—That in any and all buildings hereafter erected by the state of Minnesota, or to the erection of which the state of Minnesota has granted aid, preference shall always be given in the erection thereof to materials produced or manufactured in the state of Minnesota by citi-

zens or residents thereof wherever practicable; provided that in the building and erecting of foundations, steps, approaches and the outer walls of any and all such buildings, materials produced and manufactured in the state of Minnesota by citizens and residents thereof only shall be used. Provided, that the provisions of this act shall not apply to metal lath or Portland cement necessarily used in any such foundations, steps, approaches or outer walls.

Sec. 2. **Same—Not to Affect Buildings in Process of Construction**—This act shall not affect buildings now in process of construction nor shall it affect buildings for which contracts for the construction thereof have been entered into prior to the passage of this act. Provided, further, that nothing in this act shall prevent the completion of buildings now partially erected with the same kind of materials which have heretofore been used. Provided further, that nothing in this act shall prevent an addition being made to any building now constructed out of the same material as the original building, nor the completion of any group of buildings out of the same material as was used in the construction of the buildings already completed.

Sec. 3. **Same—Not to Apply Where it Appears Pool Has Been Formed**—The provisions of this act shall not apply in any case where, in the judgment of the different officers, boards or other authority in this state, now or hereafter vested with the power of contracting for the buildings hereinbefore referred to, it appears that an attempt is being made by producers or manufacturers in this state to form a pool, trust or combination of any kind for the purpose of fixing or regulating the price of the materials to be used in any such building or buildings.

3832. **Hours of Labor on State Work**—No person employed in manual labor upon any work for the state, whether such work be done by contract or otherwise, shall be required or permitted to labor more than eight hours in any calendar day except in cases of extraordinary emergency caused by fire, flood or danger to life and property, military or naval employment in time of war, and agricultural work.

3833. **Same—Stipulation In Contracts**—Every contract made by or in behalf of the state which may involve the employment of labor shall provide in terms for compliance with section 3832 and for the forfeiture by the contractor to the state of ten dollars for each and every violation thereof. Every inspector or other person whose duty it is to see that such contract is duly performed shall report all such violations to the proper disbursing officer, who shall withhold the amounts so forfeited from the contract price. No sums so withheld shall ever be paid unless the disbursing officer shall first certify to the governor, in writing, that the forfeiture was imposed through an error as to the facts. Every state officer, and every person acting for or in behalf of the state, who shall violate any provisions of this section or section 3832, shall be guilty of a gross misdemeanor.

4035. **Day Labor—Work of Inmates**—Whenever the cost of the building or improvement does not exceed $300 the board may permit the chief executive officer of the institution to do the same by day labor. The provision requiring all work to be done by contract shall not be mandatory as to labor on construction work at the state prison or reformatory, but the board shall establish rules whereby such construction work shall be performed with the strictest economy in the consumption of materials and in the expenditure of money. On proper representations, said board may so construct buildings and make improvements at other institutions that the work of inmates may be utilized, if advantageous to the state, but in the use of such labor no substantial departure shall be permitted from the requirements of this chapter and in no case shall any expenditure be made except on estimates approved by said board. No payment shall be authorized for construction purposes until satisfactory proof has been furnished to said board by the proper officer or supervising architect that the contract has been complied with. All payments shall be made in the same manner as current expenses are paid.

3066. **Advertising for and Receiving Bids**—The board shall not let any contract for the

erection and construction of new buildings that may hereafter be constructed without first publicly advertising for at least two weeks in some legal newspaper published in the county, where the work is to be performed, for separate sealed bids for general construction, plumbing, heating, ventilating work required in the construction of such buildings, and for separate sealed bids covering the entire work required in such construction, in which advertisement the time and place shall be fixed for the opening of such bid, and that all such bids shall be opened publicly, and a record of the same, giving the name of the bidder, the classification of the work or material bid upon, and the amount of the bid, shall be made and filed with the secretary of said board as a public record, and that no such contract shall be made and entered into except with competent and responsible contractors and builders who can furnish a good and sufficient bond as required by law.

Note—By a ruling of the attorney general this section applies to the state university and normal schools only.

4034. **Contracts for Buildings, Etc.—Bids—** All contracts for the erection or repair of buildings or the improvement of the grounds of any institution mentioned in this chapter shall be let by the board to the lowest responsible bidders, upon public notice such as the board may deem proper, but any and all bids may be rejected and new proposals received upon like advertisement. All plans and specifications shall be prepared under the direction of the board and a certified check for such proportion of the cost as the board may specify in the advertisement shall accompany each bid.

BONDS OF PUBLIC CONTRACTORS

8245. **Contracts With State Board of Control —Penalty—** No contract with the state, or with any municipal corporation or other public board or body thereof, for the doing of any public work, shall be valid for any purpose, unless the contractor shall give bond to the state or other body contracted with, for the use of the obligee and of all persons doing work or furnishing skill,

tools, machinery or materials under or for the purpose of such contract, conditioned for the payment, as they become due, of all just claims for such work, tools, machinery, skill and materials for the completion of the contract in accordance with its terms for saving the obligee harmless from all costs and charges that may accrue on account of the doing of the work specified, and for compliance with the laws appertaining thereto. The penalty of such bond shall be not less than the contract price. Provided, that in contracts made by the state board of conrol on behalf of the state the penalty of the bond shall be in such amount as the state board of control may fix, but not less than three-quarters of the contract price.

8246. **Same—Approval and Filing—Liability for Failure—Changes**—Such bond shall be approved by and filed with the treasurer of the obligee named therein unless the contract be for the erection, improvement or repair of buildings for a state institution in which case it shall be approved and filed wih the board or officer having the financial management of such institution. If such bond be not taken, the corporation or body for which work is done under the contract shall be liable to all persons furnishing labor, skill or material to the contractor thereunder for any loss resulting to them from such failure. No assignment, modification or change of the contract, or change in the work covered thereby, nor any extension of time for completion of the contract shall release the sureties on said bond.

8249. **Limit of Time to Bring Action**—No action shall be maintained on any such bond unless within ninety days after the completion of the contract and acceptance of the building by the proper public authorities, the plaintiff shall serve upon the principal and his sureties a written notice specifying the nature and amount of his claim and the date of furnishing the last item thereof, nor unless the action is begun within one year after the service of such notice.

Chapter 346, Laws 1919. **Pledge by Contractors of United States Bonds**—Any person or corporation who may make a contract with the

state, or with any municipal corporation, or any public board or department thereof, for the doing of any public work, including construction of any drainage ditch, may, in lieu of giving the usual bond or undertaking, pledge United States Liberty or Victory Loan bonds, now or hereafter issued, as security for the protection of the state, or such corporation, board or department with which such contract is made, and of all persons doing work or furnishing skill, tools, machinery, or materials under or for the purpose of executing such contract. Such bonds so pledged shall be security for the payment, as they become due, of all just claims for work, tools, machinery, skill and materials, and for the performance and completion of the contract in accordance with its terms, and as security for all costs and charges that may accrue on account of the doing of the work specified and compliance with the laws relating thereto.

Sec. 2. **Same—How Deposited**—Said bonds so pledged shall be delivered to the officer or department required by law to receive the bonds of public contractors, or who may be designated by the state or other municipal corporation or department with which the contract may be made. The deposit of said securities shall be in lieu of and substitution for the bonds required by law to be given by such contractors.

Sec. 3. **Same—Value of Bonds**—The market value of the bonds so pledged shall not be less than the contract price.

Sec. 4. **Same—Action Against Contractor—Sale of Bonds**—Any person entitled to the protection of such pledge, wishing to avail himself of its benefits at the time of commencing any action against either the contractor or any subcontractor engaged in said work, shall notify in writing the state or corporation or department with which such pledge is made, of the commencement of such suit, giving the names of the parties and the amount and nature of his claim. No judgment shall be entered within 30 days after the giving of such notice and the state or other corporation or department with which such bonds are pledged and any other person entitled to the protection of such pledge may be

admitted on its or his motion as a party to said action, and the court shall determine the rights of all parties in the premises. In such suit or other appropriate action in which the corporation or department holding said bonds is a party, the court may order. the bonds, or a part of them sufficient to pay the unpaid claims, sold at public auction or private sale or on the New York stock exchange and from the proceeds, after deducting the costs of sale, make payments among the parties to the suit entitled thereto; if the proceeds are insufficient to pay said claims in full, they may be paid pro-rata. If the state or other corporation or department does not appear and defend, it may after entry of judgment in favor of such claimants, enforce said pledge and sell the securities at public or private sale or upon the New York stock exchange, and it shall have in addition any and all rights and remedies given pledgees by law for the enforcement of their securities, but it shall not be required to sell such security until 90 days after completion of contract and acceptance of the work done as provided in the succeeding section, or until the work is completed at the instance of the corporation if abandoned by the contractor.

Sec. 5. **Same—Additional Security**—Whenever in its judgment other or further security is required, the state or such other corporation or department may require the contractor to furnish other or further security of the same nature within ten days, and thereupon if so ordered, the work on such contract shall cease until such other or further security is furnished. If such other or further security is not furnished within such time, the pledgee may at its option terminate the contract and complete the same as the agent and at the expense of such contractor.

Sec. 6. **Same—Limit of Time to Bring Action**—No action shall be maintained by any person seeking to avail himself of the benefit of such pledge, unless within 90 days after the completion of the contract and acceptance by the proper public authorities of the work done, the plaintiff shall serve upon the contractor and upon the state or such corporation or department

a written notice specifying the nature and amount of his claim and the date of furnishing the last item thereof, nor unless the action is begun within one year after the service of such notice.

BUILDINGS FOR STATE UNIVERSITY.

Chapter 289, Laws 1919. **University Building Fund**—To provide the necessary funds for acquiring land and erecting buildings in accordance with a comprehensive building plan for the University of Minnesota, there is hereby levied on the taxable property of the state for the year 1919, and each succeeding nine years, a tax sufficient to produce $560,000 for each of said years, and the state auditor is hereby directed to levy and collect such tax with and as other taxes for state purposes are levied and collected. The proceeds of such taxes shall be credited to a fund to be known as the "University Building Fund" and the moneys which shall from time to time be paid into said fund are hereby appropriated to the University of Minnesota for the purposes above specified.

Sec. 2. **Supervision of Board of Control**—The buildings to be erected shall be constructed under the supervision of the board of control, as provided in section 3066, general statutes of Minnesota, 1913. The board of control shall cause to be prepared such plans and specifications as the board of regents may request and shall award contracts for buildings as so requested within a safe margin of the anticipated funds; provided that no contract shall be entered into until there is full assurance that the funds will be available to meet current payments.

Certificates of Indebtedness—At any time after the tax for any year shall have been levied, as hereinbefore provided, the board of regents are hereby authorized, in their discretion, to anticipate the collecting of the tax for such year and to issue and dispose of, on such terms and conditions as may be determined by it, the certificates of indebtedness of the University of Minnesota, not exceeding in amount, however,

the amount of the tax for such year. The proceeds of the sale of such certificates shall be paid into the state treasury to the credit of the "University Building Fund" and used for the purpose hereinbefore specified. The principal and interest of any certificates so issued shall be paid from the "University Building Fund" when the taxes for the year for which such certificates were respectively issued are collected and credited to said fund.

Sec. 3. **Purchase of Lands**—The board of regents of the University of Minnesota is hereby authorized to acquire by condemnation or purchase the real estate owned or controlled by the Northern Pacific Railway Co., within the boundaries of the present campus of the University of Minnesota lying contiguous to the right of way of the said railway company as now laid out and operated by the railway company through the campus, and also the surface rights over said right of way when the tracks now or hereafter operated thereon are covered as required by chapter 302, General Laws of Minnesota for 1909, provided that before entering into any contract for the purchase of such real estate, the board of regents shall confer with the state board of control and the state auditor and ascertain and determine that funds, as provided under the provisions of this act, will be available to meet the payments.

ACCOUNTING.

4015. **Books and Accounts**—Said board shall keep at its office a proper and complete system of books and accounts with each institution, showing every expenditure authorized and made therefor. Such books shall contain a separate account of each extraordinary or special appropriation made by the legislature, with every item of expenditure therefrom.

4016. **Uniform Accounts and Records—Annual Statement**—Said board shall establish a perfected uniform system of books, accounts, and records to be kept by the institutions under its exclusive control, and require similar institutions to keep similar books. The requisitions and accounts of every such institution

shall show the purchase, storage and consumption of all supplies for subsistence, construction and other purposes. It shall cause the books and accounts of every such institution to be examined by the public examiner at least once in each year, and shall make an annual settlement with the officers of every such institution. It shall annually prepare for publication a statement of cost for the preceding year, of maintaining each of said institutions, including improvements, itemized as far as practicable, and so arranged as to show the cost of the various kinds of provisions and supplies. Nothing contained in this chapter shall limit the general supervisory or examining powers vested in the governor by the constitution and laws of the state, or those of any committee appointed by him.

4019. **Daily Records**—Said board shall require the proper officer of each of said institutions to keep, in a book prepared for that purpose, a daily record of the time and number of hours of service of each employe; and a monthly pay roll shall be made from such time book, and accord therewith. Whenever an appropriation is based on the number of inmates in or persons at an institution, said board shall require a daily record to be kept of the persons actually residing at and domiciled in such institution.

4028. **Monthly Statement**—Some officer of each institution designated by said board shall prepare a monthly statement showing purchases and expenditures of every kind for the preceding month, which shall be signed by him, approved by the chief executive officer and filed with the board on a day by it fixed. The officer shall attach to such statement his affidavit that such articles were purchased by him or under his direction, at a fair cash market value, on not less than thirty days' credit, and received at the institution; that neither he, nor any person in his behalf, had any pecuniary or other interest in the purchases made, or received any pecuniary or other benefit therefrom, directly or indirectly, by commission, percentage, deduction, or in any manner whatsoever; and that the articles specified in such bill conformed in all respects to the goods ordered, in both quantity and quality.

Whenever any such bill, or any part thereof, is found objectionable, the board shall indorse its disapproval thereon with its reasons therefor, and return it to the chief executive officer of the institution, who shall correct and return the same.

4029. **Pay Roll—Triplicate Abstract**—The monthly statement so made, approved and verified, together with the original invoices of purchases and an itemized statement of every expense of any such institution, including the verified pay roll, shall be filed with said board, which, at a time fixed by it, shall audit all accounts for the preceding month. The monthly pay roll of each institution shall show the name of every officer and employe, when first employed, his monthly pay, time actually served, and amount to be paid, with deductions for careless loss or destruction of property, and in no case shall a substitute receive compensation in the name of an employe for whom he acts. When said accounts are audited the secretary of the board, under its seal, shall prepare in triplicate an abstract, showing the name, residence and amount due each claimant, and the institution and fund thereof on account of which payment is made. He shall deliver one copy thereof to the state auditor, one to the state treasurer, and retain the other in the office of the board. If the institution has sufficient funds, said auditor shall issue his warrant upon said treasurer for the gross amount shown by said abstract, who shall send checks to the several persons for the amount of their respective claims as shown by said abstract. He shall preserve in his books a record of each check and remittance, showing the date of its issue, the name of the payee, and any other facts tending to evidence its payment. (Note: See Chapter 480 following.)

Chapter 480, Laws 1917—**Approval of Claim**—Whenever claims against the state for any purposes are made for which there is an appropriation available, the official having authority over that appropriation from which the same is to be paid, shall cause the claim to be approved by some individual having knowledge that the service was performed, or the goods or material fur-

nished, and shall have voucher made giving the name and address of person, firm or corporation to whom the money is due, the date and nature of the claim, reference to the appropriation from which the same is to be paid. Departments and institutions shall forward such claims to the state auditor accompanied by transmittal form prescribed by him.

Sec. 3. **Auditor to Prescribe Form**—The form of the claim shall be such as is prescribed by the state auditor and shall be a voucher-warrant. The warrant to be filled in and signed by the auditor pursuant to the provisions of this act, and the treasurer upon approval of the claim by the auditor, shall accept such warrant with his signature, making such voucher-warrant negotiable. The treasurer may confer authority upon one or more of his assistants to accept such warrant in his behalf. The voucher side of the voucher-warrant shall bear the date of the invoice it represents. The warrant side shall bear the date of the issuance of the warrant and be entered on the warrant record the same as a cash payment.

Sec. 4. **Endorsement**—The endorsement by the payee of the voucher-warrant shall constitute a receipt in full for the claim therein.

4044. **Contingent Fund**—Said board may permit a contingent fund to remain in the hands of the accounting officer of any such institution, from which expenditures may be made in case of actual emergency requiring immediate payment to prevent loss or danger to the institution or its inmates, and for the purpose of paying freight, purchasing produce, live stock and other commodities requiring a cash settlement, and for the purpose of discounting bills incurred, but in all cases subject to revision by the board. An itemized statement of every expenditure made during the month from such fund shall be submitted to the board under rules established by it. If necessary, the board shall make proper requisition upon the state auditor for a warrant upon the treasurer to secure said contingent fund for each institution. Provided, that when for any reason the services of an employe terminates during the month, where such termination is

not in violation of his contract of employment, the salary due such employe may be advanced from the contingent fund, which fund shall be reimbursed by the regular pay check of such employe when received at the institution.

4040. **Disposition of Funds**—Every officer and employe of said several institutions shall pay to the accounting officer thereof any funds in his hands belonging to the institution.

Chapter 462 Laws 1917—**Payments into State Treasury**—All fees and other receipts of the several officers, boards, and departments of the state and which is the property of the state shall be paid into the state treasury daily, unless such receipts are under $50, in which event payment may be deferred until they aggregate such sum. The several state institutions shall make payments under this act on the first business day of each week, provided that the provisions of this act shall not apply to the state agricultural society. Not later than the fifth of each month such officer, board, department or institution shall render to the state auditor an account for the preceding month of all moneys so received and paid over, specifying the items and sources thereof in detail.

4038. **Money of Inmates**—The chief executive officer of each of such institutioins shall have the care and custody of all moneys belonging to inmates thereof which may come into his hands, keep accurate accounts thereof, and pay them out under rules and regulations prescribed by law or by the said board, taking vouchers therefor. He shall give such additional bond as the board may require, conditioned to safely keep and account for such funds. All such moneys received by any officer or employe shall be paid to the chief executive officer forthwith.

Every such executive officer, at the close of each month, or oftener if required by the board. shall forward to said board a statement of the amount of all moneys so received and the names of the inmates from whom received, accompanied by his check for the amount, payable to the state treasurer. On receipt of such statement said board shall transmit the same

to the state auditor, together with such check, who shall deliver the same to the state treasurer. Upon the payment of such check the amount shall be credited to a fund to be known as "Inmates' Fund," for the institution from which the same was received. All such funds shall be paid out by the state treasurer upon vouchers duly approved by said board, as in other cases. Said board may permit a contingent fund to remain in the hands of the executive officer of any such institution from which necessary expenditures may from time to time be made.

4039. **Disposition of Unclaimed Moneys**—That whenever there has heretofore accumulated, or shall hereafter accumulate, in the hands of the superintendent of any state institution, money belonging to inmates of such institution who have died therein, or disappeared therefrom, and for which money there is no claimant or person entitled thereto, known to said superintendent, such money may at the discretion of such superintendent be expended under his direction for the amusement, entertainment and general benefit of the inmates of such institution. Provided that no money shall be so used until it shall have remained unclaimed for at least five years. Provided, further, that if at any time after the expiration of the said five years the legal heirs of said inmate shall appear and make proper proof of such heirship, they shall be entitled to receive from the state treasurer such sum of money as shall have been expended by the aforesaid superintendent belonging to said inmate.

4012. **Traveling Expenses**—Every member, officer and employe of the board, who shall necessarily travel on official business, shall be paid the actual expenses thereof by the nearest practicable route. But no expenditure for traveling expenses to other states, except when authorized by law, shall be made by said board, or by any officer or employe thereof, or by any officer, employe, or agent of any institution under its control, unless authority therefor be first granted by a resolution of the board, stating the reason and purpose of such trip, upon which the governor has indorsed his approval.

4013. **Statement of Expenditures—Salaries—** Before any expenses of a member, officer, agent, or employe of the board, or of any person acting under its direction, or of any officer or employe of any institution under its control, shall be paid, a statement of the items thereof, accompanied by a subvoucher for each item, shall be presented to the state auditor, with an affidavit that such expense bill is just and accurate and true, and is for cash expenditures actually made and paid to the parties named therein. The salaries and expenses of the board and its officers and employes shall be paid monthly upon the warrant of the state auditor.

4045. **Blanks and Forms**—Said board shall provide each institution with proper blank forms for all statements and accounts necessary for furnishing the information required therefrom.

INMATES OF INSTITUTIONS.

4046. **Persons Admissible to Institutions**—No person who has not a settlement in a county, town, city, or village, as defined in chapter 15, shall be admitted to a hospital or asylum for the insane, the school for the deaf, the school for the blind, the school for the feeble-minded, or the state public school except that said board may authorize admission thereto when the residence cannot be ascertained, or when like circumstances in its judgment make it advisable. When application is made to a judge of probate for admission to any such hospital or asylum, or to the state public school, or to the superintendent of one of the other institutions above named for admission thereto, if he finds that the person for whom application is made has not such residence, or that residence cannot be ascertained, he shall so report to said board and he may also recommend that such person be admitted notwithstanding, giving his reasons therefor. The board shall thereupon investigate the question of residence, and if it finds that such person has not such residence and has a legal residence in another state or county, it may cause him to be returned thereto at the expense of this state. Whenever the overseer of a county poorhouse

believes an inmate thereof not to have a residence in the state but to have a residence elsewhere, he shall so notify said board, which shall thereupon proceed in the manner above provided, except that, if deemed impracticable to return such person to the state of his residence, it may so certify, and such person shall thereafter be a charge upon the county, town city, or village in which he has longest resided within the preceding year.

Residence of paupers (89 Minn. 91, 93 N. W. 1052.

4036. **Record of Inmates**—Said board shall keep in its office, accessible only to the members, secretary and proper clerks, except by its consent or on the order of a judge of court of record, a record showing the residence, sex, age, nativity, occupation, civil condition and date of entrance or commitment of every person, patient, inmate or convict in the institutions under its exclusive control, the date of discharge, and whether such discharge was final, the condition of such person when he left the institution, and the date and cause of all deaths. It shall state every transfer from one institution to another, naming each. This information shall be furnished to the board by each institution, with such other obtainable facts as it may from time to time require. The chief executive officer of each such institution, within ten days after the commitment or entrance thereto of a person, patient, inmate or convict, shall cause a true copy of his entrance record to be forwarded to the board. Whenever a patient or inmate leaves, is discharged, transferred or dies in any institution, the chief executive officer or other person in charge shall inform the board within ten days thereafter on forms by it furnished.

4037. **Transfers—Questionable Commitments**—The board may transfer an inmate from one hospital or asylum for the insane to another, or to the school for the feeble-minded, or from said school to any hospital or asylum for the insane, and shall cause a proper record thereof to be made at such institutions and in its office. The superintendent of any state hospital or asylum for the insane, or school for the feeble-

minded, shall at once notify said board if there is any question as to the propriety of the commitment or detention of any person admitted to such institution, and said board shall immediately take action thereon.

4677. **Tuberculous Inmates**—It shall be unlawful for the authorities in charge of any penal or charitable institution to care for any person afflicted with tuberculosis in the same room or ward with other inmates.

4024. **Surgical Operations**—That whenever in the opinion of the superintendent of a state hospital or asylum for the insane or of the school for feeble-minded and colony for epileptics a surgical operation is necessary to save the life, health, eyesight, hearing or a limb of any inmate committed thereto, he shall call in consultation some reputable physician in general practice in the city or village where such institution is situated, and if such consulting physician and superintendent shall certify to the State Board of Control that in their opinion such operation is necessary, as herein provided, the said superintendent shall be authorized by and with the written consent of said Board and under its direction to perform or cause to be performed such surgical operations upon any such inmate as may be necessary and proper for such purpose, provided that the consent of the proper relatives or guardian cannot be had in season to effect such saving.

4025. **Same—Guardianship of Inmates**—The said board shall be deemed the guardian of the persons of the inmates of such institutions for the purpose of consenting to such operations.

4052. **Religious Instruction**—Said board shall provide at least one hour on the first day of each week, between nine o'clock a. m. and five o'clock p. m., for religious instruction to inmates of all prisons and reformatories under its control, during which clergymen of good standing in any church or denomination may freely administer and impart religious rites and instruction to those desiring the same. It shall provide a private room where such instruction can be given by clergymen of the denomination desired by the inmate, or, in case of minors, by the parents or guardian, and, in case of

sickness, some other day or hour may be designated; but all sectarian practices are prohibited, and no officer or employe of the institution shall attempt to influence the religious belief of any inmate, and none shall be required to attend religious services against his will.

MISCELLANEOUS.

Chapter 98, Laws 1919—**Bonds in Favor of Federal Government**—Whenever the laws of the United States, or the regulations or orders of any department of the federal government, require the delivery of a properly executed surety bond, conditioned in a specified manner, as a condition precedent to receiving military property, or equipment, or property of the federal government, from the federal government, or as a prerequisite to doing any specified act, then and in such case the chief executive officer of any institution under the financial control of the state board of control may execute and deliver such bond, and if corporate sureties join in the execution of the same, then the cost thereof may be paid by such executive officer out of the funds at his disposal.

8681. **Sale of Liquors or Cigarettes, Etc., Within 1,000 Feet of Certain State Institutions**—Any person who shall sell or dispose of any intoxicating liquor or cigarettes at retail, or who shall maintain or assist in maintaining any place where such articles or subjects of commerce are kept for sale or disposal, and any person who shall maintain any pool or billiard room or bowling alley, or any place of amusement where persons are permitted to assemble or loiter within one thousand (1,000) feet of any of the following named institutions, to-wit:

The St. Peter state hospital for the insane the Rochester state hospital for the insane, the Fergus Falls state hospital for the insane, the First state asylum for the insane at Anoka, Minnesota, the Second state asylum for the insane, at Hastings, Minnesota, the state training school at Red Wing, Minnesota, the Minnesota home school for girls at Sauk Center, Min-

nesota, the state reformatory at St. Cloud, Minnesota, the state prison at Stillwater, Minnesota, the state public school at Owatonna, Minnesota, the state sanatorium for consumptives at Walker, Minnesota, the hospital for crippled and deformed children at St. Paul, Minnesota, and the state hospital for inebriates at Willmar, Minnesota, shall be guilty of a gross misdemeanor. Provided that the provisions of this act shall not apply to any manufacturer of intoxicating liquors or drug store whose place of manufacture or business is at the time of the passage of this act located within one thousand feet of any of the institutions herein named or the grounds thereof. Provided further, that the provisions of this act shall not apply to any person lawfully licensed to sell intoxicating liquors, nor to the premises so licensed, located at the time of the passage of this act within one thousand feet of any of the institutions herein named and the grounds and premises thereof. No license for the doing of any of the things herein prohibited shall be granted by the governing body of any town, county or municipality.

1397. **Incorporation Within City Limits of Land of State Institutions**—Whenever the Board of Control of state institutions shall petition the city council of any city, the limits of which shall be the dividing line between such city and the lands surrounding any state institution, describing said lands, for leave to have such lands come into and be part of such city, the city council thereof may adopt a resolution which shall describe such lands and provide for their incorporation within the limits of said city, and upon the recording of an authenticated copy thereof with the register of deeds of the county or counties within which such city, or any part thereof, is situated and in case such city and said lands are in different counties, upon the recording of such authenticated copy of such resolution in the office of the register of deeds of the county in which such lands are situated, such lands shall become a part and be included within the limits of such city for all purposes

4048. **Compromise of Claims**—In case of any disagreement between the Board of Control and any person concerning a claim of such person

to any right, interest or estate in or lien upon lands occupied by or used in connection with any state institution under the exclusive or partial control of the board, or of any claim by the board for damages to any such land, or the improvements thereon, the board, with the approval of the governor and auditor, may compromise and settle such claim, and in so doing may make any necessary conveyance of land. All moneys received by the board upon any such settlement shall be paid into the state treasury to the credit of the revenue fund.

4047. **Additional General Powers**—In addition to its entire or partial control of the several state institutions specified in this chapter said board shall investigate the whole system of public charities, and all charitable and correctional institutions in the state, especially prisons, jails, infirmaries, public hospitals and asylums, and examine their condition and management. It may require the officers in charge of any such institution to furnish such information and statistics as it may deem necessary, upon blanks furnished by it. It shall examine all plans for new jails, lock-ups and infirmaries, or for repairs at an estimated cost of over $200, before the same are adopted by the county or other municipal board, and shall have an advisory supervision over all such institutions. Upon the request of the governor, said board, or a committee thereof, shall specially investigate any penal, reformatory or charitable institution, and report its condition and for this purpose said board or its committee is hereby authorized to send for persons and papers, administer oaths and take testimony, which it shall cause to be transcribed and included in said report.

4041. **Protection Against Fire**—Said board shall provide at each of said institutions adequate and ready means of protection against fire, construct proper means of escape for inmates, and establish and enforce rigid regulations by which danger from fire may be minimized.

Chapter 256, Laws 1919—**Insurance on State Property**—No public funds shall be expended on account of any insurance upon state property against loss or damage by fire or tornado, nor

shall any state officer or board contract for or incur any indebtedness against the state on account of any such insurance, except that the state board of control is authorized in its discretion to insure the state of Minnesota against loss by fire or tornado to the state prison at Stillwater, or the contents thereof, in any insurance companies licensed to do business in this state, in such an amount as such board may from time to time determine, and to pay the premiums therefor from the revolving fund of said institution.

Sec. 2. **Same—State Insurance Fund**—Any and all moneys in the state treasury to the credit of the state insurance fund, so-called, and consisting of premiums, so called, credited thereto under the provisions of chapter 549, Laws of 1913, as amended by chaper 99, Laws of 1915, are hereby appropriated for expenditure, as hereinafter provided.

Sec. 3. **Same—Duty of Board of Control**—In case any buildings or property of the state shall be damaged or destroyed by fire or tornado, the state board of control shall, within thirty (30) days, ascertain and fix the amount of such loss and damage to the state, and file with the state treasurer a statement thereof, and the amount thereof as so determined shall be transferred from the funds specified in section 2 hereof and credited to the proper fund of the officer, board or state authority in whose control said buildings or property belong, to be used solely for the rebuilding or restoring of the property damaged. Upon request of the officer or board having charge of any building or property destroyed or damaged by fire or tornado, the state board of control shall cause the same to be rebuilt or repaired, and the cost and expense thereof shall be paid from the funds so transferred to the credit of such officer or board as provided for in this section. If the loss or damage as fixed by the state board of control is not sufficient to rebuild or replace the building destroyed or damaged, the officer or board having charge of such building shall report the fact to the legislature, stating the additional amount required for that purpose.

Sec. 4. **Same—Property to be Kept Safe From Fire**—Every state officer, board or other authority having the control of any state buildings or property shall keep the same at all times as safe from fire loss as is reasonably possible. Failure of any state officer, board or authority having control over any state property to keep the same as safe from fire loss as is reasonably possible, shall constitute nonfeasance in office and shall be grounds for removal.

Sec. 5. **Same—Laws Repealed**—That chapter 549, Laws of 1913, as amended by chapter 99, Laws of 1915, and chapter 278, laws of 1917, be and they are hereby repealed.

DEPENDENT AND DELINQUENT CHILDREN.

Chapter 194, Laws 1917. **Board of Control May Have Legal Guardianship of Children**—The State Board of Control shall have powers of legal guardianship over the persons of all children who may be committed by courts of competent jurisdiction to the care of the board, or to institutions under its management. After commitment to its guardianship the board may make such provision for and disposition of the child as necessity and the best interests of the child may from time to time require; provided, however, that no child shall be placed in an institution maintained for the care of delinquents who has not been duly adjudged to be delinquent; and provided further that the board shall not be authorized to consent to the adoption of a child who is committed to its guardianship on account of delinquency.

Sec. 2. **Illegitimate Children**—It shall be the duty of the Board of Control when notified of a woman who is delivered of an illegitimate child or pregnant with child likely to be illegitimate when born, to take care that the interests of the child are safeguarded, that appropriate steps are taken to establish his paternity, and that there is secured for him the nearest possible approximation to the care, support and education that he would be entitled to if born of lawful marriage. For the better accomplishment of these purposes the board may initiate

such legal or other action as is deemed necessary; may make such provision for the care, maintenance and education of the child as the best interests of the child may from time to time require, and may offer its aid and protection in such ways as are found wise and expedient to the unmarried woman approaching motherhood.

Sec. 3. **Duties in Behalf of Children—Executive Officers**—It shall be the duty of the board to promote the enforcement of all laws for the protection of defective, illegitimate, dependent, neglected and delinquent children, to co-operate to this end with juvenile courts and all reputable child-helping and child-placing agencies of a public or private character, and to take the initiative in all matters involving the interests of such children where adequate provision therefor has not already been made. The board shall have authority to appoint and fix the salaries of a chief executive officer and such assistants as shall be deemed necessary to carry out the purposes of this act.

Sec. 4. **County Child Welfare Boards—Appointment of Agents**—The State Board of Control may, when requested so to do by the county board, appoint in each county three persons resident therein, at least two of whom shall be women, who shall serve without compensation and hold office during the pleasure of the board, and who, together with a member to be designated by the county board from their own number and the county superintendent of schools, shall constitute a child welfare board for the county, which shall select its own chairman; provided that in any county containing a city of the first class five members shall be appointed by the State Board of Control. The child welfare board shall perform such duties as may be required of it by the said board of control in furtherance of the purposes of this act; and may appoint a secretary and all necessary assistants, who shall receive from the county such salaries as may be fixed by the child welfare board with the approval of the county board. Persons thus appointed shall be the executive agents of the child welfare board.

Sec. 5. **Agents Where No Child Welfare Board**—In counties where no child welfare board exists the judge of the juvenile court may appoint a local agent to co-operate with the State Board of Control in furtherance of the purpose of this act, who shall receive from the county such salary as may be fixed by the judge with the approval of the county board.

Sec. 6. **Additional Duties of Agents**—Agents appointed pursuant to sections 4 and 5 may also, when so directed by the county board, perform the duties of probation and school attendance officers and may aid in the investigation and supervision of county allowances to mothers.

Sec. 7. **Expenses of Members and Agents**—The traveling and other necessary expenses of the several members of the child welfare board, while acting officially as members of such board, and of the executive agents while exclusively employed in the business of the board, shall be paid, so far as approved by the county board, out of the general revenue fund of the county in the same manner as other claims against the county.

4051. **Indigent Blind Infants—Duties of Board of Control**—The board of control of the state of Minnesota is hereby authorized and directed to provide at some state institution by law under its control, to be selected by it, for the care, medical treatment, maintenance and education of indigent blind infants, residents and citizens of the state of Minnesota, under such rules and regulations as said board may prescribe.

MATERNITY HOSPITALS AND INFANTS' HOMES.

Chapter 212, Laws 1917. **Definitions**—Any person who receives for care and treatment during pregnancy, or during delivery or within ten days after delivery, more than one woman within a period of six months except women related to him by blood or marriage, shall be deemed to maintain a maternity hospital. Any person who receives for care or treatment, or has in his custody at any one time, three or more infants

under the age of three years, unattended by a parent or guardian, for the purpose of providing them with food, care and lodging, except infants related to him by blood or marriage, shall be deemed to maintain an infants' home. The word "persons" when used in this act shall include individuals, partnerships, voluntary associations and corporations; provided, however, that this act shall not be construed to relate to any institution under the management of the State Board of Control, or to its officers or agents, nor to any individual who has received for care alone children from not more than one family during any period of three months. Whoever receives and cares for both women and infants as above defined shall be deemed to maintain a maternity hospital and infants' home, and shall be subject to all the provisions of this act.

Sec. 2. **Incorporation Required in Certain Counties**—No individual, partnership or association, except a corporation duly created and existing under the laws of Minnesota, and authorized by its charter so to do, shall maintain in any county containing a city of the first or second class a maternity hospital or infants' home as defined in this act.

Sec. 3. **Licenses**—The State Board of Control is hereby empowered to grant a license for one year for the conduct of any maternity hospital or infants' home that it believes is needed and is for the public good, and that is conducted by a reputable and responsible person; and it shall be the duty of the board to provide such general regulations and rules for the conduct of all such hospitals and homes as shall seem advisable to it and not inconsistent with any of the provisions of this act. No person shall receive a woman or child for care in any such hospital or home without first obtaining from said board a license so to do. No such license shall be issued unless the premises are in fit sanitary condition. The license shall state the name of the licensee, the particular premises in which the business may be carried on and the number of women and infants that may be boarded, treated or cared for therein at any one time; and such license shall be kept

posted in a conspicuous place on the licensed premises. No greater number of women or infants shall be kept at any one time on the premises than is authorized by the license and no woman or infant shall be kept in a building or place not designated in the license. A record of the license so issued shall be kept by the board of control, which shall forthwith give notice to the state board of health and to the local board of health of the town in which the licensee resides, of the granting of such license and the conditions thereof. The license shall be valid for one year from the date of issue. The State Board of Control may revoke the license when a provision of this chapter is violated, or when, in the opinion of said board, such maternity hospital or infants' home is maintained without due regard to sanitation and hygiene, or to the health, comfort or morality of the inmates thereof. The board shall note such revocation upon the face of the record of the license and give written notice of the revocation to the licensee by handing the notice to the licensee or leaving it on the licensed premises, and shall forthwith notify the state board of health and the local board of health of the town in which the maternity hospital or infants' home is situated.

Sec. 4. **Offers to Dispose of Children**—No person, as an inducement to a woman to come to his place during confinement, shall in any way offer to dispose of any child, or advertise that he will give children for adoption, or hold himself out as being able to dispose of children in any manner.

Sec. 5. **Record of Infants and Book of Forms**—The State Board of Control may prescribe forms for the registration and record of persons cared for in such home or hospital, and the licensee shall be entitled to receive gratuitiously from the board of control a book of forms for such registration and record. Each book shall contain a printed copy of this chapter. The licensee of a maternity hospital shall keep a record, in a form to be prescribed by said board, wherein shall be entered the true name of every patient, together with all her places of residence during the year preceding

admission to such hospital; the name and address of the physician or midwife who attended at each birth taking place in such hospital, or who attended any sick infant therein, and the name and address of the mother of such child; the name and age of each child who is given out, adopted or taken away to or by any person, together with the name and residence of the person so adopting or taking away such child; and such other information as the board shall prescribe. The licensee of an infants' home shall keep a record in a form to be prescribed by said board wherein shall be entered the name and age of each child received or cared for in such home, together with the names and addresses of the parents and the name and address of the person bringing the child; the name of the physician who attended any sick infant therein; the name and age of each child who is given out, adopted or taken away to or by any person, together with the name and residence of the person so adopting or taking away such child; and such other information as the board shall prescribe.

Sec. 6. **Births—Deaths**—Every birth taking place in a maternity hospital shall be attended by a legally qualified physician or midwife. The licensee shall within twenty-four hours after the birth make a written report of every woman confined and child born upon the premises to the State Board of Control, together with such additional information as may be required by the board. The licensee, immediately after the death in a maternity hospital or infants' home, of a woman or an infant born therein or brought thereto, shall cause notice thereof to be given to the local board of health of the town in which such home or hospital is located.

Sec. 7. **Inspection**—The officers and authorized agents of the State Board of Control and of the state board of health and the local board of health of the towns in which such licensed premises are located may inspect such hospital or home at any time and examine every part thereof. The officers and agents of the State Board of Control may call for and examine the records which are required to be kept by the provisions of this act, and inquire into

all matters concerning such hospital or home and the patients and infants therein; and the officers and authorized agents of the State Board of Control shall visit and inspect such hospital and homes at least once every six months and shall preserve reports of the conditions found therein. The licensee shall give all reasonable information to such inspectors and afford them every reasonable facility for viewing the premises and seeing the patients therein; provided, however, that no patient, without her consent, shall be required to be interviewed by an inspector or agent unless such inspector or agent is a woman or a licensed physician.

Sec. 8.—**Reporting Illegitimacy**—Whenever a child or a woman who within ten days has been delivered of a child, or a woman who is pregnant is received for care in a maternity hospital or infants' home, or other public or private hospital, the licensee of such maternity hospital or home, or the officer in charge of such other hospital, shall use due diligence to ascertain whether such child is legitimate and if there is reason to believe that he is illegitimate or will be illegitimate when born, such licensee or officer shall report to the State Board of Control, within such time as said board may prescribe, the presence of such woman or child, together with such other information as the board may require.

Sec. 9. **Records to be Private**—No officer or authorized agent of the State Board of Control, the state board of health or the local boards of health of the towns where such licensed hospitals or homes are located, or a licensee of such a hospital or home, or his agent, or any other person shall disclose the contents of the records herein provided for or the particulars entered therein, except upon inquiry before a court of law, at a coroner's inquest or before some other competent tribunal, or for the information of the State Board of Control, the state board of health or the local board of health of the town in which said hospital is located.

Sec. 10. **Relationship**—In a prosecution under the provisions of this act or a penal law relating

thereto, a defendant who relies for defense upon the relationship of any woman or infant to himself shall have the burden or proof.

Sec. 11. **Placing Out—Records**—Every person permitted by law to receive, secure homes for or otherwise care for children, shall keep a record containing the names, ages and former residences of all children received; the names, former residences, occupations and character, so far as known, of the parents; the dates of reception, placing out and adoption, together with the name, occupations and residences of the persons with whom the child is placed; the date and cause of the cancellation of any contract of indenture; the date and cause of any removal to another home; the date and cause of termination of guardianship and a brief history of each child until he shall have reached the age of eighteen years, or shall have been legally adopted or discharged according to law.

Sec. 12. **Surrender of Parental Rights**—No person other than the parents or a relative may assume the permanent care and custody of a child under fourteen years of age unless authorized so to do by an order or decree of court. Except to a maternity hospital as provided by law and in proceedings for adoption, no parent may assign or otherwise transfer to another his rights or duties with respect to the permanent care and custody of his child under fourteen years of age, and any such transfer hereafter made shall be void.

Sec. 13. **Notification of State Board of Control**—Whenever any person shall place a child in a private home for the purpose of providing the child with a permanent home; and whenever a child shall have been in such a home for a longer period than six months, the person responsible for the placing of the child shall immediately notify the state board of control, giving the name and address of the child, the name of the person with whom the child has been placed, with such other information regarding the child and his foster home as may be required by the board.

Sec. 14. **Visitation of Children**—Within ninety days after the receipt of the notice provided

for in section 13 the state board of control shall cause the child and the home in which he has been placed to be visited by its agent for the purpose of ascertaining whether the home is a suitable one for the child; and shall continue to visit and supervise the case of such child the same as though the child were placed out by the state public school. Whenever satisfied that a child has been placed in an unsuitable home the board may order its transfer, and if said order is not obeyed within thirty days or such shorter time as may be named in the order, the board itself shall take charge of and provide for such child.

Sec. 15. **Importation of Children**—No person shall bring or send into the state any child for the purpose of placing him out or procuring his adoption, without first obtaining the consent of the state board of control, and such person shall conform to the rules of the board. He shall file with the board a bond to the state, approved by the board, in the penal sum of one thousand dollars, conditioned that he will not send or bring into the state any child who is incorrigible or unsound of mind or body; that he will remove any such child who becomes a public charge or who, in the opinion of the board of control, becomes a menace to to the community prior to his adoption or becoming of legal age; that he will place the child under a written contract approved by the board that the person with whom the child is placed shall be responsible for his proper care and training. Before any child shall be brought or sent into the state for the purpose of placing him in a foster home, the person so bringing or sending such child shall first notify the state board of control of his intention, and shall obtain from the board a certificate stating that such home is, in the opinion of the board, a suitable home for the child. Such notification shall state the name, age and personal description of the child, and the name and address of the person with whom the child is to be placed, and such other information as may be required by the board. The person bringing or sending the child into the state shall report at least once each year, and at such other times as the board of control shall direct, as to the location

and well-being of the child so long as he shall remain within the state and until he shall have reached the age of eighteen or shall have been legally adopted. Provided, however, that nothing herein shall be deemed to prohibit a resident of this state from bringing into the state a child for adoption into his own family.

Sec. 16. **Exportation of Children**—Before any child is taken or sent out of the state for the purpose of placing him in a foster home, otherwise than by a parent or guardian, the person so taking or sending him shall give the state board of control such notice and information as is specified in section 15, and thereafter shall report to the board at least once each year and at such other times as the board may direct, as to the location and well-being of such child until he shall have reached the age of eighteen years or shall have been legally adopted. It shall be the duty of the state board of control to carry out the provisions of this section.

Sec. 17. **Written Agreement**—Every person placing a child in a foster home shall enter into a written agreement with the person taking the child, which agreement shall provide that the person placing the child shall have access at all reasonable times to such child and to the home in which he is living, and for the return of the child by the person taking him whenever in the opinion of the person placing such child, or in the opinion of the board of control, the best interests of the child shall require it. The provisions of this section shall not apply to children who have been legally adopted.

Sec. 18. **Corporations Caring for Children—Approval by Board of Control**—No association whose object embraces the care of dependent, neglected or delinquent children or the placing of such children in private homes shall hereafter be incorporated unless the proposed articles of incorporation shall have been submitted first to the state board of control. The secretary of state shall not issue a certificate of incorporation unless there shall first be filed in his office a certificate of the board of con-

trol that it has examined the articles of incorporation, and that in its judgment the incorporators are reputable persons, that the proposed work is needed, and that the incorporation of such association is desirable and for the public good. Amendments proposed to the articles of incorporation of any such association shall be submitted in like manner to the state board of control and the secretary of state shall not record such amendment or issue his certificate therefor unless there shall first be filed in his office the certificate of the board of control that it has examined such amendment, that the association is, in its judgment, performing in good faith the work undertaken by it, and that such amendment is, in its judgment, a proper one and for the public good.

Sec. 19. **Supervision by Board of Control**—It shall be the duty of the state board of control to pass annually on the fitness of every agency, public, semi-public or private, which engages in the business, for gain or otherwise, of receiving and caring for children or placing them in private homes. Annually at such time as the board shall direct every such agency shall make a report showing its condition, management and competency to care adequately for such children as are or may be committed thereto or received thereby, the system of visitation employed for children placed in private homes, and such other facts as the board may require. When the board is satisfied that such agency is competent and has adequate facilities to care for such children, and that the requirements of the statutes covering the management of such agencies are being complied with, it shall issue to the same a certificate to that effect which shall continue in force for one year unless sooner revoked by the board. A list of such certified agencies shall be sent by the board at least annually to all juvenile courts and to all the agencies so approved. No agency which has not received such a certificate within the fifteen months next preceding, and which certificate remains unrevoked, shall receive a child for care or placing out, or place a child in another home, or solicit money in behalf of such agency. All such agencies shall be subject to the same visitation, inspection and supervision

by the state board of control as are the public charitable institutions of this state. For the purpose of this section the term agency means any individual, association or corporation.

Sec. 20. **Same—Penalties for Violations.**

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Sec. 21. The provisions of this act are severable one from another and in their application to the persons and interests affected thereby. The judicial declaration of the invalidity of any provision, or the application thereof, shall not affect the validity of any other provision, or the application thereof.

Sec. 22. **Laws Repealed**—Sections 4050, 4985, 4986, 4987, 4988, 4989, 4990, 4991 and 4992, General Statutes, 1913, and all other acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

6545. **Societies for Securing Homes for Children—Report to State Board of Control**—The secretary of every such society shall, from time to time, report to the State Board of Control such facts in reference to the children in its custody as such board may require on blanks prescribed by it. The Board of Control may at all times investigate the homes where such children are placed, and if any child is found to have been placed in an improper home it may order its transfer to a proper one, and if the change is not made within thirty days it may take charge of such child and make suitable provision for it.

ILLEGITIMATE CHILDREN

3222. As amended by Chapter 210, Laws 1917 **—Complaint by Others Than Mother**—If a woman is delivered of an illegitimate child, or is pregnant with a child likely to be illegitimate when born, the county board of the county where she resides, or any member thereof, or the State Board of Control or any person duly appointed to perform in said county any of the duties of said board relating to the welfare of children, may apply by complaint to a justice of the peace of the county or to a municipal court to inquire into the facts and circumstances of the case.

3225. As amended by Chapter 210, Laws 1917. **Settlement by Father**—The State Board of Control or the duly appointed guardian of the person of an illegitimate child shall have authority to accept from the duly adjudged or acknowledged father of the child such sum as shall be approved by the court having jurisdiction of proceedings to establish the paternity of the child, in full settlement of all obligations for the care, maintenance and education of such child; and shall hold or dispose of the same as ordered by said court. Such settlement shall discharge the father of all further liability, civil and criminal, on account of such child; provided that such settlement shall not affect any liability of the father under Section 3219.

ADOPTION AND CHANGE OF NAME

7151, as amended by Chapter 222, Laws 1917. **Adoption—Petition and Consent**—Any resident of the state may petition the district court of the county in which he resides for leave to adopt any child not his own. If the petitioner be married the spouse shall join in the petition. All petitions for the adoption of a child who is a ward or pupil of the state public school shall be made jointly by the person desiring to adopt such child and the superintendent of the state public school. The State Board of Control may determine by resolution that the joinder of the superintendent in the petition shall be its consent to the adoption of the ward or pupil, as prayed for in the petition. A person of full age may be adopted.

7152, as amended by Chapter 222, Laws 1917. **Investigation by Board of Control**—Upon the filing of a petition for the adoption of a minor child the court shall notify the State Board of Control. It shall then be the duty of the board to verify the allegations of the petition; to investigate the condition and antecedents of the child for the purpose of ascertaining whether he is a proper subject for adoption; and to make appropriate inquiry to determine whether the proposed foster home is a suitable home for the child. The board shall as soon as practicable submit to the court a full report in writing, with

a recommendation as to the granting of the petition and any other information regarding the child or the proposed home which the court shall require. No petition shall be granted until the child shall have lived for six months in the proposed home. Provided, however, that such investigation and period of residence may be waived by the court upon good cause shown, when satisfied that the proposed home and the child are suited to each other.

7153, as amended by Chapter 222, Laws 1917. **Consent When Necessary**—Except as herein provided no adoption of a minor shall be permitted without the consent of his parents, but the consent of a parent who has abandoned the child, or who cannot be found, or who is insane or otherwise incapacitated from giving such consent, or who has lost custody of the child through divorce proceedings or the order of a juvenile court, may be dispensed with, and consent may be given by the guardian, if there be one, or if there be no guardian, by the State Board of Control. In case of illegitimacy the consent of the mother alone shall suffice. In all cases where the child is over fourteen years old his own consent must be had also.

7158, as amended by Chapter 222, Laws 1917. **Amendment**—If within five years after his adoption a child develops feeble-mindedness, epilepsy, insanity or venereal infection as a result of conditions existing prior to the adoption, and of which the adopting parents had no knowledge or notice, a petition setting forth such facts may be filed with the court which entered the decree of adoption, and if such facts are proved the court may annul the adoption and commit the child to the guardianship of the State Board of Control. In every such proceeding it shall be the duty of the county attorney to represent the interests of the child.

7159, as amended by Chapter 222, Laws 1917. **Records of Adoption**—The files and records of the court in adoption proceedings shall not be open to inspection or copy by other persons than the parties in interest and their attorneys and representatives of the State Board of Control, except upon an order of the court expressly permitting the same.

Chapter 397, Laws 1917. **Petition**—Any reputable person resident in the county, having knowledge of a child in the county who appears to be either dependent, neglected or delinquent and any agent of the State Board of Control or the state department of labor and industries may file with the judge or clerk of the court having jurisdiction in the matter a petition in writing, setting forth the facts and verified by affidavit. The petition shall set forth the name and residence of each parent, if known, and if both are dead or the residence unknown, then the name and residence of the legal guardian, or if there be none, or if his residence is unknown, then the name and residence of some near relative, if there be one, and his residence is known. It shall be sufficient that the affidavit is upon information and belief.

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Sec. 11. **Dependent or Neglected Children—Disposition**—When any child shall be found to be dependent or neglected, within the meaning of this act, the court may make an order committing the child to the care of the State Board of Control, or of the state public school or some other suitable state institution, or to the care of some reputable citizen of good moral character or to the care of some association willing to receive it embracing in its objects the purpose of caring for or obtaining homes for dependent or neglected children, which association shall have been accredited as provided by law. In appropriate cases the child may be left with the parents subject to such remedial supervision as the court may direct. The court may, when the health or condition of the child shall require it, cause the child to be placed in a public hospital or institution for treatment or special care; or in a private hospital or institution which will receive it for like purpose without charge. Provided, however, that in no case shall a dependent child be taken from his parents without their consent unless, after diligent effort has been made to avoid such separation, the same shall be found needful in order to prevent serious detriment to the welfare of such child.

Sec. 12. **Guardianship—Adoption**—In any case where the court shall award a dependent or neglected child to the care of the State Board of Control, or of any association or individual in accordance with the provisions of this act, the child shall, unless otherwise ordered, become a ward, and be subject to the guardianship of the State Board of Control or of the association or individual to whose care it is committed; but such guardianship shall not include the guardianship of any estate of the child, except as provided in section 17 of this act. Such board, association or individual shall have authority to place such child in a family home, with or without indenture, and may be made party to any proceeding for the legal adoption of the child, and may by its or his attorney or agent appear in any court where such proceedings are pending and consent to such adoption. Provided, however, that when adoption proceedings for any such child are commenced in any other court than the court which originally committed such child, then notice of the filing of the petition in such adoption proceedings shall be filed in the office of the clerk of the court which originally committed such child, at least thirty days before any final decree of adoption shall be entered.

Sec. 13. **Hearing Continued—Commitment by District Court—Discharged**—In the case of a delinquent child the court may continue the hearing from time to time and may place the child in the care or custody of a probation officer, and may allow the child to remain in his own home, subject to the visitation of the probation officer, such child to report to the probation officer as often as may be required, and subject to be returned to the court for further or other proceedings whenever such action may appear to be necessary; or the court may cause the child to be placed in a suitable family home, subject to the friendly supervision of a probation officer and the further order of the court; or it may authorize the child to be boarded out in some suitable family home, in case provision is made by voluntary contribution or otherwise for the payment of the board of such child, until suitable provision may be made for the child in a home without such payment. A child

found delinquent in the district court may be committed by the court to the state training school for boys or the Minnesota home school for girls, or to any institution established by law or incorporated under the laws of this state that may care for delinquent children, or to any place provided by the town or county suitable to the care of such children. In appropriate cases the court may commit the child to the care and custody of some association that will receive it, embracing in its objects the care of neglected or dependent children. In no case shall a child be held under any such commitment beyond the age of twenty-one years. A child committed to such institution or association shall be subject to the control of the board of managers thereof and the said board shall have power to parole the child on such conditions as it may prescribe, and the court shall have power to discharge the child from custody whenever in its judgment such action will be for the best interests of the child. Every child committed to the state training school for boys or the Minnesota home school for girls shall be subject to the guardianship of the State Board of Control, and to all the laws and regulations relating to discipline in and parole and discharge from said schools. No child shall be discharged from either of said schools within one year after commitment without the approval of the committing court; thereafter such approval shall not be required.

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Sec. 16. **Guardians for Delinquents in Probate Court**—When any child is found delinquent in a probate court the court may appoint the State Board of Control to be the guardian of such child, or any institution or association incorporated under the laws of this state that may care for delinquent children and become their guardian, or any suitable city, county or state institution. The provisions of section 13 relative to the control, parole and discharge of delinquent children committed by district courts shall apply to delinquent children placed under guardianship by probate courts. In all cases girls committed to the state home school for girls shall be accompanied to said school by a woman.

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Sec. 18. **Information with commitment**—Whenever a juvenile court shall commit a child to a state institution or to the guardianship of the State Board of Control there shall be delivered with the order of commitment a copy of the findings and order of the court relative to such a child, and a brief statement of such particulars of the case as the board of control may require.

9389. **Report of Probation Officer**—Every such probation officer shall report in writing to the court, as often as required by it, with reference to the condition, disposition and other pertinent facts relative to such children, and shall also make a similar report to the State Board of Control when requested by said board so to do.

ALLOWANCES FOR SUPPORT OF CHILDREN

Chapter 223, Laws 1917, as amended by Chapters 328 and 333, Laws 1919—**When Made—Amount**—Whenever any child under the age of sixteen years who is not lawfully entitled to apply for and receive an employment certificate is found by a juvenile court to be dependent the court shall, when requested to do so, and in the same proceeding, make its findings upon the following points:

(a) Whether the mother of the child is a widow;

(b) If her husband is living, whether he is an inmate of a penal institution under a sentence which will not terminate within three months after the date of such finding; or is an inmate of a state insane asylum or hospital, or of a state hospital for inebriates; or is unable to labor for the support of his family by reason of physical disabilities; or he is and for one year has been under indictment for the crime of abandoning such child;

(c) Whether the dependency of the child is due to the poverty of the mother without neglect, improvidence or other fault on her part;

(d) Whether the mother is otherwise a proper person to have the custody of the child;

(e) Whether the welfare of the child will be subserved by permitting him to remain in the custody of the mother, if adequate means of support shall be provided;

(f) Whether the mother is a citizen of the United States, or whether she or her husband has made declaration of intention to become a citizen, and has resided two years in the state and one year in the county.

Upon the making and filing of findings that the mother is a widow, or that support is not obtainable from her husband by reason of one of the alternatives specified in subdivision (b), together with findings in the affirmative upon the points specified in subdivisions (c), (d), (e), (f), the court shall further find, and order the payment of, the sum of money which it deems necessary for the county to allow the mother in order to enable her to bring up the child properly in her own home, not exceeding fifteen dollars per month for one child and not exceeding ten dollars per month for each additional child; provided, however, that no allowance shall be made when the husband is under indictment for abandonment unless the court is satisfied that he is a fugitive from justice and that the mother has in good faith assisted and will continue to assist in all reasonable efforts to apprehend him.

Before making the findings above specified the court, in counties having a population of not more than 33,000, shall notify the county attorney of the county that an application has been made for the payment of an allowance. Such notice shall specify the name of the child and the name and address of the mother of such child and also specify the time and place when and where the court will hear the evidence relevant to the matters upon which the making of such findings depends. It shall be the duty of the county attorney to investigate the financial condition and status of such child or children and that of the mother and to appear at the time and place specified for such hearing and participate therein and present to the court such evidence or information as may be within his knowledge relevant to the matters on which the making of such findings depend.

Sec. 2. **Manner of Payment—Subsequent Order**—A certified copy of such order shall be filed with the county auditor and thereafter, so long as such order remains in force and unmodified,

it shall be the duty of the county auditor each month to draw his warrant on the general revenue fund of the county in favor of the mother for the amount specified in such order. The warrant shall be delivered to the clerk of the court making the order and shall by the latter be delivered to the mother upon her executing a receipt therefor, to be retained by the clerk with the other records in the proceedings relating to the child. It shall be the duty of the county treasurer to pay the warrant out of the general revenue fund of the county when properly presented. No such allowance shall be paid toward the support of any child who has become lawfully entitled to apply for and rereceive an employment certificate, or who has ceased to be under the immediate care of the mother. The court may for cause duly shown revoke or modify any order previously made. A certified copy of any such subsequent order shall forthwith be filed with the county auditor and thereafter warrants shall be drawn and payments made only in accordance with such subsequent order.

Sec. 3. **Court May Impose Conditions**—The court may require any mother to whom an allowance is made under this act to make a reasonable effort to learn the English language and customarily use the same in her family. The court may also require the mother to do such remunerative work outside her own home as she can do without detriment to her health or neglect of her family, and may limit the number of days per week when she may be so employed.

Sec. 4. **County Child Welfare Board—Duty to Assist Court**—In counties where there is a county child welfare board as provided by law such board, when so requested by the court, shall consider applications for allowances under this act, and shall advise the court concerning their merit, the sum, if any, which ought to be allowed, and the special conditions, if any, upon which the same ought to be granted.

Sec. 5. **Investigation and Supervision—Official Reports as Basis for Findings**—Before making any order or allowance under this act it shall be the duty of the court, either through the

judge in person, or through the county child welfare board and its agents, or a probation officer designated for that purpose, or an official investigator appointed as provided in Section 6 of this act, to make inquiry as to all the points necessary to establish the right to such allowance; and particularly to inquire whether the surroundings of the household, including its other members, are such as to make for the good character of children growing up therein; to ascertain all the financial resources of the family, including the ability of its members of working age to contribute to its support, and if need be to urge upon such members their proper contribution, to take all lawful means to secure support for the family from relatives under legal obligation to render such support; to ascertain the ability of other relatives to assist the family, and to interview individuals, societies and other agencies which may be deemed appropriate sources of such assistance. Every family to which an allowance has been made shall be visited at its home by a representative of the court at least once in three months; and after each visit the person making the same shall make and keep on file as a part of the official record of the case a detailed statement of the condition of the home and family, and all other data which may assist in determining the wisdom of the allowance granted and the advisability of its continuance; and the court shall at least once in each year reconsider every case in which an allowance has been made, and take such action as the facts then existing shall warrant. All findings and orders provided for herein may be made upon the written reports of official investigators with like effect as if based upon competent testimony given in open court.

Sec. 6. **Official Investigators** — In counties having over 330,000 population the judge of the juvenile court may appoint one or more persons for the investigation of applications for allowances under this act, whose duty it shall be to visit the homes of the applicants and ascertain all the relevant facts and circumstances, including the facts specified in the preceding section, and make report in such form as the court may require. Each person so appointed

shall receive such salary not exceeding $1,200 per annum as shall be recommended by the judge in charge of the juvenile division of the district court and approved by the county board. Such salary shall be paid in semi-monthly installments out of the county treasury, together with all expenses certified by the judge to have been necessarily incurred by them in the performance of their duties.

Sec. 6-a. **Same**—In counties having over 200,000 and not to exceed 330,000 population the judge of the juvenile court may appoint one or more persons for the investigation of applications for allowances under this act, whose duty it shall be to visit the homes of the applicants and ascertain all the relevant facts and circumstances including the facts specified in the preceding section and make report in such form as the court may require. Each person so appointed shall receive a salary of $1,200 per annum, to be paid in monthly installments out of the county treasury, together with all actual expenses certified by the judge to have been necessarily incurred by them in the performance of their duties; provided, however, that the judge may designate by order one investigator to have general charge of the work of all persons so appointed, which person shall receive a salary of $1,500 per annum, together with necessary expenses, to be paid as aforesaid.

Sec. 7. **Reconsideration Upon Complaint—Appeal**—Upon complaint being made to the county attorney by a taxpayer of the county; that any person is unlawfully receiving an allowance out of the county funds on account of an alleged dependent child it shall be the duty of the county attorney to investigate such complaint, and if he finds it to have probable cause to bring it to the attention of the court by appropriate proceedings. The court shall hear such evidence and argument as shall be offered, and shall thereupon make its order confirming, modifying or setting aside the order complained of, from which decision an appeal may be taken as in a civil action.

Sec. 8. **What Property a Bar**—The ownership by a mother of personal property of the value

of one hundred dollars, exclusive of appropriate clothing and household furniture and of such tools, implements and domestic animals as in the opinion of the court it is expedient to retain for the purpose of reducing the expense or increasing the income of the family, or of real estate not used as a home; or of real estate when used as a home; of a value disproportionate to the actual needs of the family, shall be a bar to any allowance under this act.

Sec. 9. **Terms Defined**—The word "husband" in this act may denote either the father of a dependent child or a stepfather of which family the child is or has been a member. The word "mother" may denote either the mother or stepmother of whose family the child is a member.

Sec. 10. **Allowance to Grandmother**—Whenever the court shall be of the opinion that the welfare of a dependent child will be best served by permitting him to live in the family of his grandmother, all the provisions of this act shall be so construed as to apply to such grandmother and her husband in like manner as to the mother and her husband.

Sec. 11. **Fraud**—Any person fraudulently procuring or attempting to procure an allowance under this act for a person not entitled thereto, by any act which does not constitute a felony, shall be guilty of a misdemeanor.

Sec. 12. **Duties of Board of Control**—It shall be the duty of the state board of control to promote efficiency and uniformity in the administration of this act. To that end it shall advise and co-operate with courts, and shall supervise and direct county child welfare boards, with respect to methods of investigation, oversight and record keeping; shall devise, recommend and distribute blank forms; shall by its agents visit and inspect families to which allowances have been made; shall have access to all records and other data kept by courts and other agencies concerning such allowances; and may require such reports from the clerks of the courts, child welfare boards, probation officers and other official investigators as it shall deem necessary.

Sec. 13. **Payments Reported to State Officers —State to Allow One-third**—During the month of January in each year, the county auditor shall certify under oath, in duplicate, to the state auditor and the state board of control the amount paid out by the county during the preceding calendar year for allowances under this act; and if the board of control shall approve the same it shall cause its approval to be indorsed by its chairman on the certificate received by the state auditor; whereupon the state auditor shall draw his warrant to the county treasurer for one-third of the amount so certified to have been paid out by the county, and the state treasurer shall pay the same, and the county treasurer shall credit the sum so paid to the general revenue fund of the county.

Sec. 14. **Improper Administration—Duty of Board of Control**—If in any county this act shall be unlawfully or improvidently administered, or if any of the agencies administering it shall wrongfully refuse to co-operate with the state board of control as provided in Section 12, the board may refuse to approve and indorse the certificate of disbursements provided for in Section 13. Such refusal shall be subject to judicial review upon appropriate proceedings.

Sec. 15. **Purpose of Act—To Be Liberally Construed**—This act shall be liberally construed with a view to accomplishing its purpose, which is hereby declared to be to enable the state and its several counties to co-operate with responsible mothers in rearing future citizens, when such co-operation is necessary, on account of relatively permanent conditions, in order to keep the mother and children together in the same household, reasonably safeguard the health of the mother, and secure to the children during their tender years her personal care and training.

Sec. 16. **Action Against Relative Preserved**—Nothing herein shall be deemed to be inconsistent with any right of action against a relative of a poor person conferred by Sections 3067 and 3068, General Statutes, 1913.

Sec. 17. **Orders Made Under Former Law**—All orders of court granting county aid to

mothers of dependent children under the provisions of Chapter 130, Laws 1913 (being Sections 7197, 7198 and 7199, General Statutes, 1913) in force where this act takes effect, shall continue in force until confirmed, modified or set aside pursuant to the provisions of this act.

Sec. 18. Sections 7197, 7198 and 7199, General Statutes, 1913, are hereby repealed.

ANNUAL CONFERENCES.

Chap. 224, Laws 1917. **Conferences of Board With Other Officials**—For the purpose of promoting economy and efficiency in the enforcement of laws relating to children and particularly of the laws relating to defective, delinquent, dependent and neglected children, the State Board of Control may at such times and places as it deems advisable call an annual conference with officials responsible for the enforcement of such laws. When practicable such conference shall be held at the same time and place as the state conference of charities and corrections.

Sec. 2. **Expenses of Attendants**—The necessary expenses of all probate judges invited to and attending such conferences shall be paid out of the funds of their respective counties.

COUNTY JAILS.

9356. **County Board to Consult Board of Control**—Whenever any county board determines to erect a new jail or to repair an existing one at an expense of more than two hundred and fifty dollars, it shall pass a resolution to that effect and transmit a copy thereof to the State Board of Control, which within thirty days thereafter shall transmit to such county board such advice and suggestions in reference to the construction thereof as it deems proper.

9357. **Plans and Estimates Submitted**—After the receipt of such advice and suggestions, such board shall procure plans and estimates of the cost of such new jail or repairs and submit the same to said Board of Control for suggestions and for approval, so far as re-

lates to the safety and sanitary conditions of the proposed building. Such suggestion and approval shall be in writing and filed with the county auditor before any contract for such erection or repairs shall be binding or any warrant is drawn for payment for labor or materials therefor.

9360. **District Jails—How Designated**—The State Board of Control, with the consent of the county board, may designate any suitable jail in the state as a district jail to be used for the detention of prisoners from other counties in addition to those of its own, and whenever such jail or its management becomes unfit for such purpose may rescind its designation. Whenever there is no sufficient jail in any county, the examining magistrate, upon his own motion, or the judge of the district court, upon application of the sheriff, may order any person charged with a criminal offense committed to a sufficient jail in some other county. Provided, that if there be a district jail in the judicial district he shall be sent thereto, or to any other nearer district jail designated by the magistrate or judge, and the sheriff of the county containing such district jail, on presentation of such order, shall receive, keep in custody and deliver him up upon the order of such court or a judge thereof.

9361. **Condemnation of Jails**—Whenever the jail of any county is insecure or otherwise unfit for use, the judge of the district court therein, on the recommendation of the grand jury or of his own motion, may issue his written order condemning it; or, whenever the State Board of Control shall adjudge any county jail insecure or otherwise unfit for use, it may, with the consent of the judge of the district court, issue its written order condemning it. After condemnation such jail shall not be used for the detention of any prisoner for more than twenty-four hours at one time except pending preliminary examination, or while court is in session, until the order of condemnation is rescinded.

LOCKUPS.

9362. **How Established**—The governing body of any city or village may purchase, build

or lease, maintain and regulate one or more lockups for the detention of persons charged with offenses against its ordinances and by-laws, or for the confinement of persons sentenced to imprisonment for violation of such ordinances and by-laws; and, under regulations prescribed by such governing body. It may be used for the temporary detention of any prisoner under arrest. But no such purchase or lease and no plans for building or repairing any such lockup at an expense of more than one hundred dollars shall be finally adopted until the same shall have been approved by the State Board of Control, and no contract for such erection or repair shall be valid unless the suggestions and advice of said board shall have been filed with the clerk of such municipality before its execution.

9363. **Construction—Approved by Board of Control**—Said state board of control shall not approve any plan for a lockup unless said plan makes provision for the following essentials of construction and conditions, viz: the building shall be fireproof and be not less than sixteen (16) feet by twenty (20) feet in area inside; and the ceiling shall be not less than eight (8) feet in height at the lowest point. It shall be built upon durable foundations, and shall have floors of stone or cement or other fireproof material laid over cement-concrete. The walls shall be protected against frost by hollow walls, tiles or otherwise. There shall be an outside door, two separate rooms, satisfactory cells not less than five (5) feet by seven (7) feet in area and seven and one-half (7½) feet in height; and the lockup shall be well lighted, comfortably heated when in use and occupied by any person or persons, ventilated and shall comply with reasonable sanitary requirements.

9366. **Duties of the Chief of Police and Village Marshal**—The chief of police or village marshal, as the case may be, shall cause every lockup under his care, and the bedding thereof, to be kept clean, wholesome and free from vermin. Such lockup shall be swept daily and thoroughly cleansed with water at least once every two weeks when occupied. Such chief of police or marshal shall keep in a book furnished by the municipality a complete register

of all prisoners committed thereto, and all persons admitted as lodgers therein, in the form prescribed by said Board of Control.

Municipality not liable for defective lockup (62 Minn. 278; 64 N. W. 812.)

9368. **Health Officer to Inspect**—The health officer of every city and village having a lockup shall inspect the same once a year with reference to its sanitary condition, make a written report thereof to the said Board of Control upon blanks prescribed by it, and deliver a copy of such report to the governing body of such village or city. Upon filing such report he shall receive from the treasurer of such municipality a fee of two dollars.

9369. **Board of Control May Condemn**—As amended by Chapter 438, Laws 1913. Whenever said state board of control shall become satisfied, from the report of a local health officer or from the report of any agent it may appoint and authorize to examine lockups, or from the inspection by one or more of its members that any lockup does not reasonably conform to essential conditions and details of construction, such as are prescribed by law for plans for lockups, and that such lockup is in a condition or of a construction such as to endanger the well-being, health, security or life of any person confined therein, it shall condemn such lockup by its written order and it shall not be further used while such order is in force.

9370. **Condemnation, How Enforced**—If any lockup condemned by the state board of control shall thereafter be used while the order of condemnation is in force, it shall be the duty of said state board of control to bring an action in the district court in the county where the lockup is, for the purpose of enforcing its order of condemnation, and upon the trial of said action a copy of such order, certified in the usual form by the secretary of the state board of control, shall be conclusive evidence that such lockup has been condemned by the said state board of control, and shall be prima facie evidence that said lockup does not comply with the requirements of this act,

and is unfit for use as a lockup, and that its future use should be enjoined by the court. Evidence to sustain the order of condemnation may be received in rebuttal.

PAUPERS AND POORHOUSES.

3089. **Location and Erection of Poorhouse**—Upon the establishment of such district, the directors, by resolution, shall set a time and place for a meeting to receive and consider offers from any county, town, city, village, or person in the district for the sale of land therein for a poorhouse. At such meeting or any adjournment thereof, the board may purchase such land upon terms which it may deem most advantageous, and may contract for or procure the erection of such poorhouse and other buildings thereon, and the necessary equipment and supplies therefor. The board in its discretion may provide for the employment therein of such poor persons as may be able to labor; but no such buildings shall be erected until the plans, specifications, and location thereof are approved by the State Board of Control.

3091. **Overseer of Poor**—The board shall appoint an overseer of poor of the district, who shall hold office for six years, and until his successor qualifies, unless sooner removed by the board for cause. He shall give bond as provided in the case of a county overseer, except that such bond shall be approved by the board and made payable to its treasurer. He shall have charge of all poor persons maintained at the district poorhouse, subject to the supervision and written direction of the board, or a committee thereof appointed for that purpose. He shall keep records and accounts, and shall settle his accounts with and make reports to the board as provided in the case of a county overseer, stating also in his reports the county to which each poor person is chargeable. He shall also render to the State Board of Control such reports as are required from county overseers of the poor.

3072. **Removal of Poor Person—Settlement**—When a poor person is removed, as hereinafter provided, (Sec. 3083) from one county, town, city

or village to another, and the authorities thereof deny that he is legally settled therein, they shall make temporary provision for his care. If such removal was from one county to another county, or to any town, city, or village of another, the authorities may present the case to the State Board of Control; if the removal was from one town, city, or village to another within the same county, they may present the case to the county board. The board shall determine the settlement of such person, and certify its findings, and thereupon he shall become a charge upon the county, town, city, or village in which such settlement is found to be, which shall also pay the cost of caring for such person pending the investigation, and of removing him to the place of his settlement, together with the expenses of such investigation, including the fees and mileage of witnesses, and, in the case of the State Board, the expenses of its committees or agents. But such findings of the board shall be without prejudice in any litigation arising by reason thereof.

(Procedure under this section prescribed by Attorney General.)

HOSPITALS AND ASYLUMS FOR THE INSANE AND HOSPITAL FARM FOR INEBRIATES.

Chapter 99, Laws 1919. **Official Designation**—That the state asylum for the insane located at Anoka shall hereafter be known and designated as the Anoka State Asylum; that the state asylum for the insane located at Hastings shall hereafter be known and designated as the Hastings State Asylum; that the state asylum for the insane and the hospital farm for inebriates located at Willmar shall hereafter be known and designated as the Willmar State Asylum; that the state hospital for the insane located at Fergus Falls shall hereafter be known and designated as the Fergus Falls State Hospital; that the state hospital for the insane located at Rochester shall hereafter be known and designated as the Rochester State Hospital; and that the state hospital for the insane located at St. Peter shall hereafter be known and designated as the St. Peter State Hospital.

4082. **Location and Confirmation**—The state hospitals for the insane at St. Peter, Rochester and Fergus Falls, and the state asylums for the insane at Anoka and Hastings shall be maintained under the general management of the Board of Control, and all conveyances and transfers of land, buildings, property and funds heretofore made for any of them, are hereby confirmed. The chief executive officer of each shall be known as the superintendent. The superintendent and corps of physicians at the Fergus Falls hospital shall continue to be of the School of Homeopathy.

WILLMAR STATE ASYLUM.

Chapter 44, Laws 1917. **Establishment**—There is hereby located and established at the city of Willmar, county of Kandiyohi, state of Minnesota, an asylum for the insane.

Sec. 2. **Transfer of Property and Funds**—All lands, buildings, property and funds heretofore acquired and held for the foundation and maintenance of a hospital farm for inebriates at Willmar, Minnesota, are hereby transferred and set apart and appropriated to the establishment, support and maintenance of said asylum for the insane hereby provided for, and shall be subject to the same control and management as the property and funds now set apart and used for the support and maintenance of an asylum for the insane.

Sec. 3. **Under Supervision of Board of Control**—Said hospital shall be under the control and management of the State Board of Control and all laws, rules and regulations now applicable to other insane asylums in the state of Minnesota, are hereby made to apply insofar as they may be necessary, to the insane asylum at Willmar.

Sec. 4. **Treatment of Inebriates to Continue**—The State Board of Control is hereby authorized to continue the treatment of inebriates at the said state hospital farm for inebriates as now provided by law, but no inebriate shall be committed for treatment except as may be authorized and permitted by the State Board of Control.

HOSPITAL FARM FOR INEBRIATES.

4110. **Hospital Created**—There is hereby created and established a hospital farm for inebriates and for that purpose the state board of control is hereby directed to select and acquire by purchase or otherwise a suitable tract of land not to exceed six hundred and forty (640) acres, upon which shall be erected suitable buildings for said hospital, and to properly equip the same, and to appoint a superintendent who shall be a duly licensed physician, and to fix the compensation for his services.

Note—Sections 4111 to 4126 inclusive are repealed by Chapter 344, Laws 1917, which also provides for the care and custody of inebriates.

4127. **Powers of Board of Control**—The Board of Control shall have the supervision and control of said hospital farm and may provide employment for patients committed thereto, at such occupation as provided by the rules and regulations adopted by said Board of Control.

4128. **Tax on License Fees—Inebriate Fund—Certificates of Indebtedness**—For the building and maintenance of said hospital a tax of 2 per cent is hereby levied upon all license fees for the sale of intoxicating liquors under the laws of this state, and whenever a license is granted, by any city, village, county or municipality, for the sale of intoxicating liquors, 2 per cent of the amount charged for such license shall be set aside by such city, village, county or municipality issuing such liquor license for the payment of the tax specified in this section, and shall be immediately remitted by draft to the state treasurer, who shall credit the same to a fund known as the inebriate fund. The costs and expenses of the maintenance of said hospital shall be paid from the inebriate fund, if sufficient, and any deficit shall be paid from the appropriations made by the legislature of this state. Any moneys now or hereafter in the said inebriate fund are hereby appropriated for the erection and equipment of buildings and other necessary improvements and for the payment of the current expenses of said hospital farm for inebriates. * * * * *

4129. **Recovery by Board**—If any city, village, county or other municipality shall fail or neglect to comply with the provisions of the last section, the Board of Control is hereby authorized to recover said taxes in a civil action, brought in the name of said board against such city, village, county or other municipality making default in the payment of said tax.

INSANE—MISCELLANEOUS.

Note.—Under opinion of the Attorney General Sections 4083 to 4090 inclusive (relating to detention hospitals for the insane), are repealed by Chapter 344, Laws 1917. See page 79 of this pamphlet.

4091. **Transfers between Anoka and Hastings Asylums—Men and Women**—That any building heretofore or hereafter erected for the housing of inmates at the Hastings and Anoka asylums for the insane may be used for the housing of men or women, as the board of control may deem advisable, and the said board is hereby authorized to transfer inmates from either one to the other of said asylums whenever in its judgment the interests of the state require such transfer.

4092. **Death, Illness, Etc.—Notice**—Each superintendent shall give to the next of kin of any inmate immediate notice of his death, serious illness, or special change in his condition, and shall promptly and fully answer all letters of inquiry from relatives. Immediately after the death of a patient therein, he shall furnish for registration, to the proper clerk or health officer, and to the probate judge of the county from which he was committed, a certificate of the name of the patient, his age, the duration of his last sickness, and the cause and date of his death. The expenses of all coroners' inquests upon persons dying in such institutions shall be paid from the appropriation for its current expenses.

4093. **Inmates May Select Correspondents, Etc.**—Any inmate of such hospital or asylum may select a correspondent outside the institution, with whom he may freely correspond without censorship, and may change the same once

in each quarter. He may also in the same manner correspond with the governor and the Board of Control. The superintendent shall register the name and postoffice address of every such correspondent, a copy of which register shall be posted in some public place in the institution. Within three days after such selection by an inmate, the superintendent shall notify the correspondent thereof, and, in case of his refusal to act, shall notify the inmate, who may select another. Each correspondent shall endorse his name and address upon all envelopes sent to such inmate.

4094. **Duties of Superintendent**—Such inmate shall be furnished with necessary paper and stamped envelopes for such correspondence, and with a postal card addressed to himself, having a form of receipt for the letter on the reverse side, to be enclosed therein. Such letter and postal card, when enveloped, sealed, directed, and delivered to the superintendent or an assistant physician, shall be mailed forthwith, without being opened or read. Every letter received from such correspondent, governor, or board shall be delivered to the inmate unopened, unless there appear to be good reasons to the contrary, in which case the superintendent shall communicate such reasons to the writer. The facts in reference to such correspondence shall be at once entered in the register. A copy of this section and sections 4092, 4093, printed in pica type, shall be framed and posted in each ward of such institutions, and every violation of or non-compliance with their provisions shall be a misdemeanor.

4095. **Notice of Escape**—Whenever a state prison or reformatory convict who has been committed to a hospital or asylum for the insane escapes therefrom or dies therein, the superintendent shall immediately notify the chief executive officer of such prison or reformatory of such fact.

4096. **Incurable Insane**—Whenever the superintendent shall report to the Board of Control that any insane person in such institution or under his charge is incurable or not likely to be further benefited by treatment, that he may be safely cared for in a private family, and that

his own family are not able to support him, said Board may authorize the superintendent to procure board for him in a suitable private family, at an expense not exceeding three dollars per week, to be paid from the current expense fund of the institution. Such superintendent, or an assistant physician or other person delegated by the superintendent, shall visit him as often as once in three months, and may at any time direct his return to the institution.

4097. **Parole of Inmates**—The superintendent, whenever he deems it advisable that a patient should return home or remain away from the institution on trial, may allow him to be absent on parole for a period not exceeding six months. The order of commitment shall remain in force until he is legally discharged, and he may be recalled at any time.

4098. **Discharge of Patients**—Such superintendent may discharge any patient certified by him to be recovered, unless charged with or convicted of some criminal offense. In all other cases, patients shall be discharged only by the Board of Control. Whenever the superintendent recommends the discharge of a patient, improved or unimproved, he shall state his reasons therefor.

4099. **Feeble-Minded Children**—The superintendent of every such institution, with the approval of said board, shall from time to time select from the patients therein such idiotic and feeble-minded children or youths as, in his opinion, are proper subjects for training and instruction, and transfer them, or as many thereof as can be received, to the school for the feeble-minded.

4100. **Clothing and Money**—Every inmate of any state hospital or asylum for the insane shall be furnished with suitable clothing at the expense of the state, and when discharged, if necessary, with sufficient money to defray his expenses home or to his friends, all of which shall be paid out of the current expense fund of the institution.

4101. **Annual Report**—On or before September 1, in each year, the superintendent of each of

such institutions shall report to the Board of Control the number of insane therein on July 31 preceding, giving the numbers of male and female and the idiotic and epileptic separately, and a statistical exhibit of the admissions, discharges and deaths, with causes of death, and such other facts and information as said board may require. Neglect to so report shall be a misdemeanor.

ASYLUM FOR DANGEROUS INSANE.

4102. **Establishment and Management**—The State Board of Control is hereby authorized and directed to erect, equip and maintain in connection with a state hospital at St. Peter, a suitable building to be known as the state asylum for the dangerous insane, for the purpose of holding in custody and caring for such insane persons, idiots, imbeciles and epileptics as may be committed thereto by courts of criminal jurisdiction or otherwise, or transferred thereto by said board, and for such persons as may be declared insane while confined in any penal institution, or who may be found to be mentally infirm and dangerous, and it shall supervise and manage the same as in the case of other state hospitals or asylums.

4103. **Same—Commitment—Proceedings—Restoration of Sanity**—Whenever any person confined in the state prison or the state reformatory is alleged to be insane, the warden or other person in charge shall forthwith notify the state board of control, which shall cause the prisoner to be examined by the probate court of the county where he is confined, as in the case of other insane persons. In case he is found to be insane he shall be transferred by order of the court to the state asylum for the dangerous insane or to a state hospital for the insane in the discretion of the court there to be kept and maintained as in the case of other insane persons. If, in the judgment of the superintendent, his sanity is restored before the period of his commitment to the penal institution has expired, he shall be removed by the state board of control, upon the certificate of the superintendent, to the institution whence he came, and there complete the period of his sentence.

4104. **Same—Allowances**—Whenever any convict is discharged from the asylum for the dangerous insane, he shall receive the same allowance in money, clothing and otherwise which he would have received had he remained at the institution from which he was received, and the expenditures in his behalf shall be made out of the same fund. While he is at said asylum, he shall be clothed and supported as are other insane patients.

4105. **Same—Transfer Proceedings**—Whenever any criminal shall be transferred to said asylum, the original warrant of his commitment to the penal institution shall be sent with him and returned to the penal institution upon his return or discharge. A certified copy thereof shall be preserved at the penal institution.

4106. **Same—Terms of Sentence**—A prisoner who is removed or returned under this act shall be held in the place to which he is so removed or returned in accordance with the terms of his original sentence, unless sooner discharged, and the period for which he is removed shall be counted as a part of the term of the confinement.

4107. **Same—Commitment Before Conviction**—Whenever any person under indictment or information, and before trial thereon, shall be found to be insane, an idiot, or an imbecile, and to have homicidal tendencies; or whenever, during the trial of any person, on an indictment or information, such person shall be found to be insane, an idiot, or an imbecile. and to have homicidal tendencies, the court in which such indictment or information is filed shall forthwith commit such person to said asylum for the dangerous insane for safekeeping and treatment, and such person shall be received and cared for thereat until he shall recover, when he shall be returned to the court from which he was received, there to be dealt with according to law.

4108. **Same—Transfer from Other Asylums, Etc.**—Whenever any inmate of a state hospital or asylum for the insane or the school for the feeble-minded and colony of epileptics is found by the State Board of Control to have homicidal tendencies, or to be under sentence

or indictment or information, he shall be transferred by the board to said asylum for the dangerous insane for safekeeping and treatment.

4109. **Correspondence Without Censorship**—Any inmate may correspond freely without censorship with the governor and with the State Board of Control or any member thereof.

9218. **Criminal Procedure**—Acquitted on ground of insanity.

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No such person so acquitted shall be liberated from the hospital or asylum except upon the order of the court committing him thereto and until the superintendent of the hospital or asylum where such person is confined shall certify in writing to such committing court that in his opinion such person is wholly recovered and that no person will be endangered by his discharge. Provided that nothing herein shall be construed as preventing the transfer of any person from one institution to another by the order of the board of control as it may deem necessary.

COST OF MAINTENANCE OF INSANE.

Chapter 294, Laws 1917. **Duty of Superintendent on Receiving Patient**—Whenever after August 1, 1917, any Probate Court of this State shall have committed any person to the Superintendent of a state asylum, detention hospital or hospital for the insane, and one of the duplicate warrants issued pursuant thereto shall have been returned, with the Superintendent's indorsement thereon that the person named therein has been received by him, and filed in such Probate Court, the Clerk of such Probate Court, or the Judge if there is no Clerk, shall make and file with the State Board of Control, a copy of such warrant and of the indorsement thereon together with such other information as is provided for in this act.

Subdivision (2). Whenever after August 1st, 1917, any person shall be received into any State detention hospital on his own application or pursuant to a determination that such person

is mentally disturbed, and in need of treatment therein, under the provisions of Chapter 224, Laws 1909, the Superintendent so receiving him shall forthwith mail to the State Board of Control a written statement setting forth the names of the person so received, the nature, amount and location of any money or other property owned by such person, the time when received, the name and address, if known, of the relative or guardian, if any, on whose application the determination was made, together with such other information as is provided for in this act.

Subdivision (3). On or before the 3rd day of August, 1917, the Superintendent of each asylum, detention hospital or hospital for the insane shall file with the State Board of Control, a statement in writing of the names of the inmates of their respective institutions committed thereto, also the names of all persons who have been received into any detention hospital without a warrant of commitment and who were inmates thereof on August 1st, 1917. Such statement shall also contain the date of commitment or reception of the inmate, his residence, any information which the Superintendent may have as to any money or property which may be owned by such inmate, and the nature, amount and location thereof; the name and address of the guardian of such inmate, if known, also the names and addresses, so far as known, of the relatives of such inmate who are or may be, under the provisions of this act, liable to contribute to the support of such inmate.

Sec. 2. **Duty of Superintendent on Death of Patient**—Whenever any person who has been committed to or received into any asylum, detention hospital or hospital for the insane, dies, or is required to leave, or is paroled, or discharged therefrom, it shall be the duty of the Superintendent of the institution to at once report in writing such fact and the time of the occurrence thereof to the State Board of Control.

It shall also be the duty of the Superintendent to forthwith report to the State Board of Control the time when any paroled inmate was returned to his actual custody, either because

of the revocation of his parole or the expiration of the period for which he was paroled.

Sec. 3. **Duty of Judge of Probate and County Attorney**—It shall be the duty of the Judge of Probate and County Attorney, of the respective counties in this State, upon and in connection with the proceeding and examination of any person petitioned to be committed to a State hospital to fully inquire into the property and estate of such person and the property and estate of the persons upon whom liability is imposed for his care under the provisions of this act, and, in case of commitment of such person, to report such information forthwith to the State Board of Control upon such blanks or forms of report as it may provide therefor. Such reports shall be accompanied by the recommendation of such officers to the Board of Control as to what extent the estates or relatives of the persons so committed should be charged with liability under the provisions of this act.

Sec. 4. **State to Have Claim for Reimbursement**—For the purpose of defraying the expenses and cost of maintenance of any inmate in a state asylum, detention hospital or hospital for the insane, the State of Minnesota shall have a valid claim for reimbursement to the extent of $10.00 per month for each such inmate, for all moneys paid and expenses incurred by the State for such maintenance—first, against the property or estate of such person so maintained, second against the relatives of such person in the following order to-wit: spouse, children and parents provided, that if the State Board of Control shall determine that the property or estate of any such insane person is not sufficient to more than care for and maintain the wife and minor children of such inmate, or that the means and property of the classes of persons herein secondly charged with the liability and cost of the maintenance of such insane person in said institution, is not more than sufficient to properly provide for themselves and those otherwise dependent upon them, the said Board of Control shall relieve the estate of such insane person and the relatives of such insane person from a portion or

all of such charge or liability as they in their judgment and upon investigation may deem just and proper. In case of increase or decrease in the estate of such insane person, or in the estates of those persons herein secondarily liable for the cost of the maintenance of an insane person in such institutions, or in case of the death of such persons, or either of them, the Board of Control is hereby authorized to modify or cancel its previous order made in relation thereto, and from time to time make such other and further order with reference thereto as it may seem just and proper.

In all cases under the provisions of this act, the property which under the laws of this State is exempt from attachment, or sale on any final process, issued from any Court, shall be exempt also as to the estates and persons charged with or upon whom any liability is imposed under the provisions of this act.

Sec. 5. **Determination of State Board of Control to Be Conclusive**—If any action brought as hereinafter provided to enforce any liability created by this act or to collect from the property or estate of any inmate or relative as herein provided, the determination of the State Board of Control as to the sufficiency of the property or estate of the inmate to properly care for and maintain the wife and children, if any, or either or any of such classes of persons upon whom liability is imposed under the provisions of this act, shall be conclusive unless appealed from as herein provided.

Sec. 6. **Proceedings by State Board of Control**—When the State Board of Control shall have determined the liability of the estate or persons herein named to defray the cost of maintenance of an insane person and no appeal taken therefrom as herein provided and shall direct the persons herein charged with expense and cost of maintenance of insane persons cared for in state institutions as herein provided to pay and demand payment for such maintenance and such persons shall refuse or neglect to make such payment for thirty days after receiving such demand or notice, the State Board of Control in the name of the State of Minnesota may bring an action against any and all of

said relatives and persons and the representative of such inmate and recover against them therefor, and the further sum of $10.00 as costs of such action in addition to the disbursements in such action.

Sec. 7. **Petition for Release or Modification of Order**—Any person who has been ordered to make payment for the support of an inmate in the institutions referred to in this act, the guardian or relative of any such insane person may petition the State Board of Control for the release from or modification of such order and said Board after investigation may cancel or modify its former order if it shall find the conditions warranting such action.

Sec. 8. **Board of Control Given Power to Make Certain Investigations**—The State Board of Control shall have the power to make investigations as to the property and estate of persons therein charged with liability for the cost and expense of maintenance of insane persons in state institutions and shall have the power to subpoena witnesses, take testimony under oath and examine any public records relating to the estate of an inmate or relative liable for his or her support. The State Board of Control shall determine whether such relative shall be required to pay for the support of such inmate or whether such charges shall be made against the estate of such an inmate. An order shall be issued to the persons who are determined liable for such payments requiring them to pay monthly, quarterly or otherwise as may be determined by said Board. The Board shall make all reasonable and proper efforts to collect such amounts. and in case of inability to collect, the Attorney General, upon the recommendation of such Board, shall direct the prosecuting attorney of the proper county to collect or institute civil action in the name of the State of Minnesota to recover the amount due with interest. All money received, as herein provided or by suit instituted, shall be paid to the State Treasurer and placed in the General revenue fund and a separate account kept thereof. The Board may, if it shall find it necessary, appoint one or more competent persons to act under its

direction to assist in the carrying into effect the provisions of this act and the salaries and necessary expenses of such agents and other necessary expenses incident to carrying into effect the provisions of this act, shall be paid upon the order of the State Board of Control out of the moneys received or collected under the provisions of this act.

Sec. 9. **Right to Appeal to District Court**—Any person or party feeling himself aggrieved by any order or determination of the State Board of Control under the provisions of this act may appeal therefrom to the district court of the county in which the person or party resides, but upon any such appeal where any order or determination of the Board of Control made under the provisions of this act, be brought in question such order shall be prima facie evidence of the facts therein stated. Such appeal shall be taken within thirty days after service of notice of the filing of the order or determination of the Board of Control appealed from. Such appeal may be taken by serving a notice thereof upon the Chairman of the said Board of Control or the Secretary thereof and upon filing such notice, with proof of service thereof in the office of the clerk of the district court of the proper county within ten days after service thereof, the said court shall be deemed to have jurisdiction of said appeal and thereafter such proceedings shall be had as in other civil actions triable in said court. On such appeal the court shall have the power to order pleadings to be filed and make any other order necessary to the proper procedure and determination of said appeal.

Sec. 10. **Voluntary Payments**—That whenever after August 1, 1917, any person who has committed himself or herself for treatment at any state detention hospital, or the relatives, friends or legal representatives of any person who has been committed to a state asylum, detention hospital or hospital for the insane, desires to pay the whole or any portion of the cost of maintenance of such person in any of said institutions, in addition to the requirements of this act, the same shall be received and dis-

bursed as other money paid pursuant to the provisions of this act, and said Board is hereby directed to establish a schedule of the cost to the state of the care and maintenance of the patients in such institution.

Chapter 409, Laws 1917. **Claim In Certain Cases**—Whenever any patient in a state institution for the insane dies and does not leave surviving him spouse, children, grandchildren or parents, then and in such case the state shall have a claim for maintenance, treatment and support against the estate of such deceased person, which claim shall be computed at the rate of one hundred twenty dollars per year for the time such person was in such institution and be verified by the superintendent of the institution wherein such deceased person was confined. Provided, however, that the estate of such deceased insane person shall be entitled to a credit upon such claim of any sum or sums of money that may have been paid to the state for his or her maintenance, treatment or support in such institution.

COMMITMENT OF INSANE, FEEBLE-MINDED AND INEBRIATES.

Chapter 344, Laws 1917, as amended by chapter 77, Laws 1919. **Definitions**—The word "defective" as used in this act shall include the feeble-minded, the inebriate and the insane. The term "feeble-minded persons" in this act means any person, minor or adult, other than an insane person, who is so mentally defective as to be incapable of managing himself and his affairs, and to require supervision, control and care for his own or the public welfare. The term "inebriate" as used in this act means any person incapable of managing himself or his affairs by reason of the habitual and excessive use of intoxicating liquors, drugs or other narcotics. The term "insane" as used in this act means any person of unsound mind other than one who may be properly described as only an inebriate or feeble-minded person.

Sec. 2. **Voluntary Admission**.—Any person who is defective and who desires to receive

treatment at a state institution may voluntarily make application to the State Board of Control for admission thereto, in such form and manner as may be prescribed by the board, and the board may thereupon grant to such applicant admission to the appropriate state institution.

Sec. 3. **Detention and Examination of Voluntary Patients**—The Superintendent of any State institution for defectives is authorized and empowered to detain any person admitted upon his own application as though he had been committed in the manner hereinafter provided unless otherwise discharged by order of the court. If any such person demands his release from such institution, the Superintendent thereof shall, if he deems such release unsafe, within three days thereafter file a verified petition with the Judge of Probate of the county in which the institution is located, praying for the commitment of such defective as hereinafter provided.

Sec. 4. **Petition**—When any person residing in this state shall be supposed to be defective any relative, guardian or reputable citizen of the county in which such supposed defective person resides or is found may file a verified petition in the Probate Court of the county, setting forth the name and residence of the supposed defective person and the facts necessary to bring such person within the purview of this act. Whereupon the Probate Judge shall after investigation, if the petition be sufficient, direct that the alleged defective person be brought before him, and when necessary the court may issue a warrant directed to the sheriff or any constable of the county, or to any person named therein, requiring him to bring such defective person before the court for examination.

Sec. 5. **County Attorney to Appear**—Whenever a Judge of Probate orders an examination he shall notify the county attorney of the time and place of said examination, who shall appear on behalf of the person to be examined and take such action as may be necessary to protect his rights. The court may and on request of the county attorney shall issue subpoenaes for witnesses.

Sec. 6. **Board of Examiners—How Appointed** —When such person is produced in court the Probate Judge shall designate two licensed physicians resident in the state who with the Probate Judge shall constitute a board to examine such person and determine as to his defectiveness. Where the proceeding is for the adjudication of feeble-mindedness the Probate Judge shall notify the State Board of Control of the filing of the petition and that a hearing will be had thereon not less than ten days thereafter, whereupon the board may at its discretion designate some person skilled in mental diagnosis to attend the hearing, examine the alleged defective and advise the board of examiners. Provided that if the alleged defective person is obviously feeble-minded or an inebriate the Probate Judge may dispense with the appointment of any board of examiners, with the consent of the county attorney, and may himself hear and determine the matter.

Sec. 7. **Examination and Report**—The board of examiners shall hear all proper testimony offered by any persons interested and the court may cause witnesses to be subpoenaed. When the examination is completed, the board shall determine whether or not the person examined is a feeble-minded person, an inebriate or an insane person and shall file in the court a report of their proceedings, including the findings, upon such forms as the State Board of Control may authorize and adopt.

Sec. 8. **Commitment of Feeble-minded Person —Petition for Discharge**—If the person examined is found to be feeble-minded, the court shall order him committed to the care and custody of the State Board of Control, as guardian of his person. Thereafter the board shall have power whenever advisable to place him in an appropriate institution. If, at any time, after study and observation in such institution, the Superintendent is of the opinion that a person so committed is not defective, or that his further residence therein is not required for his own or the public welfare, he shall so report to the State Board of Control and the board may thereupon discharge such person from its further care and custody.

Provided, that any parent guardian, relative or friend of a person committed, as aforesaid, to the care and custody of the State Board of Control, may at any time file a petition for a hearing in the probate court of the county in which such person resided or was found when first committed to the care and custody of said Board, to establish that further guardianship of the Board is not required for the welfare of such person or the public; and upon payment of the necessary traveling expenses, by said petitioner, from the place or institution to which said person is committed to the place of hearing, and giving security for the payment of necessary expenses for a return to such institution, if a return shall be ordered, the said probate court shall by order, require the attendance of such person upon said hearing. Upon filing with the said Board of Control a certified copy of said order, it shall be the duty of said Board to authorize and direct the attendance of such person at such hearing in compliance with the terms of said order. Notice of such hearing and proceedings thereupon shall be such as are prescribed in this chapter.

If, upon said hearing, the contention of the petitioner is sustained, the probate court shall order the immediate discharge of such person and file a copy of such order with the State Board of Control and such person shall thereupon be discharged accordingly. If such contention is not sustained, such person shall be remanded to the care and custody of said Board; provided, however, that the probate court may, in lieu of such immediate discharge or remand, permit such person to remain in the custody of a relative or friend who shall give security, to be approved by the court, for the safe care and custody of such person and for his appearance in court whenever required, until discharged or remanded as herein provided.

Sec. 9. **Commitment of Inebriate or Insane Person**—If the person examined is found to be an inebriate or insane the judge shall issue duplicate warrants committing him to the custody of the superintendent of the proper state hospital or to the superintendent or keeper of

any private licensed institution for the care of inebriates or insane persons.

Sec. 10. **Delivery of Warrant**—A copy of such warrant shall be delivered to the sheriff of the county who, together with such attendants as shall be designated by the judge of probate, shall deliver the warrant and the patient to the superintendent of the institution designated in such warrant.

Sec. 11. **Temporary Detention**—The probate judge, with the approval of the county board, may provide a place of temporary detention for defectives and make the necessary contracts therefor. Provided that this shall not authorize the construction of a hospital for that purpose. All expense necessarily incurred for such temporary detention of defectives shall be paid by the county.

Sec. 12. **Parole—Bond Required**—Upon request of the relatives or friends of any person alleged or found to be insane, or inebriate, they may be permitted to take charge of such person; but in such case the probate judge, or, if such person has been committed to the hospital, the superintendent thereof, may require a bond from such relatives or friends, running to the state, to be approved by the judge or superintendent, as the case may be, conditioned upon the care and safe keeping of such person: provided, that no person charged with or convicted of a crime shall be so discharged.

Sec. 13. **Notice of Discharge**—Whenever any defective committed to a hospital under this act shall be discharged or transferred to another institution, the superintendent, upon the day of such discharge or transfer, shall mail to the probate judge of the county from which such person was committed, a certificate stating the fact of such discharge or transfer and the date thereof and the date of commitment, which certificate shall be filed in said court.

Sec. 14. **Fees—How Audited and Paid**—The judge of probate shall allow and order paid the following fees for services provided for in this act: To each witness the sum of one dol-

lar per day and actual disbursements for travel and board. To each examiner the sum of five dollars, and fifteen cents per mile for every mile traveled. To the person to whom the warrant of arrest is issued the sum of three dollars per day and actual disbursements and necessary board and lodging of himself and alleged defective while making the arrest. To the person, other than a nurse or hospital attendant, authorized to convey the defective to the place of commitment the sum of three dollars per day and all necessary disbursements for travel and for the support of himself, the alleged defective and authorized assistants. Such amounts shall be audited by the judge of probate and judgment entered of record therefor and shall be paid by the county treasurer upon the written order of the judge of probate and filed with the county auditor, who shall issue his warrant on the county treasurer in payment of said sum, and upon payment thereof said judgment shall be satisfied of record by the judge of probate. The examiner designated by the board of control shall be paid by the state.

Sec. 15. **When Resident of Another County**—Whenever the alleged defective is found to have his legal residence in some other county he may nevertheless be examined and if found to be defective committed in like manner as persons residing in the county. The necessary costs and expenses of such examination and commitment shall be certified by such court to the auditor of the county in which the examination is held, who shall certify the same to the county auditor where the said alleged defective is found to be a legal resident and shall be paid as other claims against such county.

Sec. 16. **Proceedings When Residence Is Questioned**—Whenever the auditor of the county to which costs and expenses have been certified denies that such person has a legal residence in his county, he shall send such certificate with a statement of his claim in reference thereto to the state board of control, who shall immediately investigate and determine the question of residence and certify its findings to the auditor of each of said counties. Such

decision shall be final unless an appeal is taken therefrom within thirty days after its filing. Such appeal may be to the district court of the county from which such person was committed.

Sec. 17. **Court Commissioner to Act**—Whenever the judge of probate is unable to act upon any petition concerning an alleged defective the court commissioner shall perform all his duties in such case and the authority herein granted to the judge of probate shall be exercised by said court commissioner.

Sec. 18. **Forms of Blanks**—For the purpose of securing uniformity in the practice of examination and commitment of defectives, the state board of control is hereby authorized and empowered to prescribe forms of blanks which shall be used.

Sec. 19. **Malicious Petition, Etc.—Punishment**—Whoever for a corrupt consideration or advantage, or through malice shall make or join in or advise the making of any false petition or report aforesaid, or shall knowingly or wilfully make any false representation for the purpose of causing such petition or report to be made shall be deemed guilty of a felony and punished by imprisonment in the state prison for not more than one year or by a fine of not more than five hundred dollars.

Sec. 20. Sections 4111 to 4126 inclusive, and Sections 7464 to 7489 inclusive, General Statutes, 1913, are hereby repealed.

SCHOOL FOR FEEBLE-MINDED AND COLONY FOR EPILEPTICS.

4078. **Location and Management—The school** for the feeble-minded and colony for epileptics shall be maintained at Faribault, under the general management of the Board of Control.

Chapter 407, Laws 1919. **Lands for Colonies for Feeble-Minded and Epileptics**—The State Board of Control, with the approval of the state auditor, is hereby authorized to select from the public lands of this state, the title to which is vested in the state, not to exceed two (2) sections of land to be used as a location for a colony for feeble-minded persons, and also not to

exceed two (2) sections of land to be used as a location for a colony for epileptics.

Sec. 2. **Same—Duty of State Auditor**—It shall be the duty of the state auditor, after conference with the State Board of Control, to investigate the public lands owned by the state and available for selection as aforesaid, for the purpose of ascertaining what lands are available for selection for the purposes aforesaid, and shall make report concerning the same to the State Board of Control.

Sec. 3. **Same—Lands Selected—Appraisal—Appropriation**—The State Board of Control shall certify to the state auditor the lands which it desires to select, setting forth therein the respective legal descriptions selected for each of the colonies aforesaid; in case the auditor approves such selection he shall endorse his approval thereon, and such certificate shall be filed and preserved in his office, and he shall thereupon make an appropriate notation of such selection on the land records of his office. The auditor shall not thereafter sell or dispose of or offer for sale or other disposition the lands so selected until authorized so to do by the legislature. The state auditor shall cause said lands to be appraised. There is hereby appropriated from any moneys in the state treasury not otherwise appropriated, an amount equal to the value of said lands as so appraised, which sum so appropriated shall be credited and transferred to the fund or funds into which the proceeds of the sale of the lands selected would be paid and credited in case the same were sold to a private party.

Sec. 4. **Same—Colonies Established**—The said lands from and after their selection as aforesaid shall be used for the purpose of establishing thereon respectively a colony for feebleminded persons and a colony for epileptics.

Sec. 5. **Same—Buildings and Improvements**—The State Board of Control shall erect suitable buildings on such lands and make such other improvements thereon as may be necessary to adapt said tracts to the respective purposes for which they are so selected.

Sec. 6. **Same—Management**—The said colony for the feeble-minded and said colony for epileptics shall be established and maintained under the general supervision and control of the State Board of Control.

Sec. 7. **Same—Admissions**—When suitable improvements shall have been made on the land selected for use as a colony for epileptics, the State Board of Control may provide for the admission thereto of any epileptic person who is a resident of this state. Likewise, when the colony for the feeble-minded shall have been suitably prepared for the admission of inmates thereto, the State Board of Control may provide for the admission thereto of any feeble-minded person resident of this state who would be eligible for admission to the school for feeble-minded, or who may have been heretofore or may hereafter be committed to the guardianship of the State Board of Control.

Any person so admitted to or placed in either of said colonies shall be so admitted and maintained therein subject to the respective restrictions, terms and conditions prescribed by the laws applicable to the admission of inmates to the school for feeble-minded and colony for epileptics now maintained at Faribault.

Sec. 8. **Same—Transfers**—The State Board of Control may transfer to said colony for epileptics any inmate of the colony for epileptics at Faribault; and, likewise, may transfer to said colony for feeble-minded any inmate of the school for feeble-minded at Faribault.

4079. **Who May be Admitted—Expenses—Department for Incurables**—All feeble-minded persons, residents of the state, who, in the opinion of the superintendent of said school, are of suitable age and capacity to receive instruction in said school and whose defects prevent them from receiving proper training in the public schools, and all idiotic and epileptic persons resident of the state may be admitted to their respective departments under such conditions and regulations as said board shall prescribe. The person legally responsible for the support of any person so admitted, shall pay annually to the superintendent of said institution a sum not

exceeding forty dollars, to be fixed by the board, but if the person so liable be unable to pay such sum, of which inability the certificate of the judge of probate of the county from which said person is admitted, shall be prima facie evidence, it is hereby made a charge upon the county, and upon the presentation of a certificate of the superintendent of said institution certified to by the secretary of the Board of Control to the auditor of said county, that such indigent person is a regular and proper inmate of such institution and of the sum so fixed by the board as a condition of admission said auditor shall immediately remit to the superintendent of said institution the sum so fixed, and a like amount annually thereafter, so long as such person remains an inmate of said institution; said superintendent shall transmit the funds so received to the state treasurer to be credited to the proper funds of said institution as required by law in the case of other current receipts, and said board shall have authority to reimburse, pro rata the persons and counties so paying respectively, from the general support fund of the institution in case of the death or removal of such person so admitted, before the termination of the annual period for which such payment is made.

Note.—See also commitment law on page 84 of this pamphlet.

Any crippled or deformed child who is helpless and who cannot be benefited by treatment at the state hospital for crippled and deformed children, or any child who is physically helpless from any chronic disease of the nervous system or any child or adult suffering from such or other incurable chronic invalidism, may be admitted to said department for incurables in said institution in the discretion of and under such conditions as the Board of Control shall determine; provided, however, that this section shall not apply to those who are helpless from insanity or senile dementia, or whose presence shall, in the opinion of the superintendent of said institution, be incompatible with the general purposes of the institution, as specified above. The sum to be paid annually for each of such persons shall be $150, instead

of $40, as hereinbefore specified to be paid in other cases, which amount shall be paid in the manner in this section hereinbefore prescribed.

4080. **Courses of Instruction for Teachers**—That the state board of control may establish and maintain at the school for feeble-minded and colony for epileptics at Faribault, Minnesota, courses of instruction for teachers and others interested in the care and training of mentally retarded or defective children, and make all necessary rules and regulations for the organization and conduct of such courses.

4081. **Same—Fees and Expenses**—The state board of control shall charge and collect from each person taking any such courses of instruction an amount for board and tuition not exceeding ten ($10.00) dollars per week, and the moneys so collected shall be turned into the state treasury as are other miscellaneous receipts from said institution. The expenses incident to the conduct of such courses of instruction and for the board of those taking the same shall be paid as are the other expenses for maintaining the said school for feeble-minded and colony for epileptics. The courses of instruction herein referred to shall, within the limitation of charges as stated, be made as near self-sustaining as possible.

SCHOOLS FOR THE DEAF AND THE BLIND.

4143. **Location—Organization**—The Minnesota schools for the deaf and the blind shall be continued at Faribault. They shall be maintained as the school for the deaf and the school for the blind, and shall be grouped and classed with the educational institutions of the state.

4146, as amended by chapter 69, Laws 1919. **Who May Be Admitted—Expenses**—Any deaf or blind resident of the state of suitable age and capacity for instruction, may be received, kept and taught therein, under such conditions as the State Board of Control may prescribe. He shall be provided by the person legally liable for his support with sufficient funds to furnish

him with proper clothing, postage and transportation. If any such person be a pauper, or if the person legally liable for his support be unable to make these provisions for him, of which facts the certificate of the probate judge shall be prima facie evidence, the county in which he has a residence shall annually on or before October 1st pay to the superintendent of the school of which he is an inmate a sum not exceeding sixty dollars to be fixed by the Board. Such sum shall be used only for clothing, postage and transportation for the pupil. The superintendent on August 1st of each year, shall render to the county auditor and to the Board of Control a detailed account thereof.

4147. **University—Free Tuition**—Any resident of the state graduated from the school for the blind, upon compliance with all other requirements, shall be entitled to pursue any course of study in the state university, without expense for tuition; and the board of regents shall receive him into any department thereof.

Chapter 307, Laws 1915.—**Aid for Blind Students**—That any blind person who is, and for five (5) years immediately preceding the making of his application for aid under this act has been, a resident of this state, and who is a regularly enrolled student pursuing any course of study, profession, art or science in any university, college, or conservatory of music, approved by the board of directors of the Minnesota school for the blind, may in the discretion and under the direction of the said Board, receive a sum or sums of money not exceeding three hundred dollars ($300.00) in any one year, for the purpose of defraying his necessary expenses, including those of a reader, while in attendance upon such university, college or conservatory, such expenditures to be made from the appropriations for the current expenses of the Minnesota school for the blind, provided that not more than five (5) such blind persons shall receive such aid in any one year.

4148. **Gifts and Conveyances**—The board shall take and hold in trust all lands or other property granted, given, devised, or conveyed to the schools or either of them. All moneys and

securities so received, and all income from such property, shall be deposited in the state treasury, subject to the order of the board.

4150. As amended by Chapter 346, Laws 1917—**Certain Children Required to Attend**—Every parent, guardian or other person having control of any normal child between eight and twenty years of age, too deaf or too dumb or defective of speech to be materially benefited by the methods of instruction in vogue in the public schools, shall be required to send such child or youth to the school for the deaf at the city of Faribault, Minnesota, during the scholastic year of that school. Such child or youth shall attend such school, year after year, until discharged by the superintendent upon approval of the State Board of Control.

Excusing Attendance—Such board may excuse attendance when satisfied.

1. That the child is in such bodily or mental condition as to prevent his attendance at school or application to study for the period required.

2. That he is afflicted with such contagious or offensive disease or possesses such habits as to render his presence a menace to the health or morals of other pupils, or for any reason deemed good and sufficient by the superintendent with approval of the State Board of Control.

3. That the child is efficiently taught for the scholastic year in a private or other school, or by a private tutor, the branches taught in the public schools so far as possible.

Penalty—Any such parent, guardian or other person failing to comply with the foregoing section shall, upon conviction thereof before the justice of the peace or other court, be deemed guilty of a misdemeanor, and shall be fined in a sum not less than five (5) nor more than twenty (20) dollars for the first offense, nor less than ten (10) nor more than fifty (50) dollars for the second and every subsequent offense, with costs in each case. Any person who induces, or attempts to induce any deaf or dumb child to absent himself or herself unlawfully from school, or employs or harbors any such child unlawfully from

school, while said school is in session, shall, upon conviction thereof, before justice of the peace, or other court, be deemed guilty of a misdemeanor, and shall be fined in a sum not less than five (5) nor more than twenty (20) dollars for the first offense, nor less than ten (10) nor more than fifty (50) dollars for the second and every subsequent offense, with costs in each case. The principal teacher of every public school in the counties, and the truant officers of the cities of St. Paul, Minneapolis and Duluth, shall, within 30 days before the close of the school year succeeding the passage of this act, and at corresponding period each succeeding year thereafter, furnish the county superintendent of schools or the board of education of the cities of St. Paul, Minneapolis and Duluth, as the case may be, with the name, age, sex and address of parent or guardian of all normal children who are too deaf or too dumb to be educated in the public schools between the ages of eight and twenty years, inclusive, living within the boundaries of his or her school district and who do not attend school. And the county superintendent of schools, or the board of education of the cities of St. Paul, Minneapolis and Duluth, shall certify forthwith the names of all such deaf children, with address of parent, age and sex, to the superintendent of the Minnesota school for the deaf at the city of Faribault.

Prosecutions—It shall be the duty of the county attorney to at once prosecute any case of parent or others unlawfully responsible, directly or indirectly, for the failure to place deaf child or youth in a school for the deaf, when such case shall have been reported to him. So far as the same are applicable all the provisions of this section shall be construed to include children who are too blind or defective of sight to be materially benefited by the methods of instructions in vogue in the public schools, for the purpose of securing their attendance at the state school for the blind.

4151. As amended by Chapter 346, Laws 1917. **Field and Employment Agency for Blind**—There shall be established under the management of the State Board of Control a

field and employment agency for the blind of said state.

4152. As amended by Chapter 346, Laws 1917. **Same—Superintendent—Powers and Duties of Agency**—The State Board of Control shall annually appoint, upon the recommendation of the superintendent thereof, a competent person to conduct the work of said agency, under the direction of said superintendent.

Said agency shall collect statistics of the blind, including their present physical and mental condition, causes of blindness, capacity for education and industrial training, and any further information looking toward the improvement of their condition that may be desired.

Said agency shall give especial attention to the cases of such blind youth as are eligible to attendance at the school for the blind, but are not in attendance thereat, or are not receiving adequate instruction elsewhere, and shall seek to secure such attendance by all practicable means.

Said agency shall endeavor to secure for the adult blind of the state such labor and employment as may be adapted to their respective training and capacity, and shall, so far as may be feasible, aid said adults in securing any provisions which may be made by the school for the blind for the betterment of their lot.

Said agency shall further be empowered to aid the blind (1) by home instruction and training, (2) by assisting them in securing tools, appliances and supplies, (3) by aiding in marketing the products of their labors, (4) by care and relief for the indigent blind, and in any other practicable means of alleviating their condition.

4153. As amended by Chapter 346, Laws 1917. **Same—Expenses**—The State Board of Control is hereby authorized to defray the necessary expenses of the aforesaid agency from the appropriation for the current expenses of said board; "provided, that in any county of this state, now or hereafter having a population of over one hundred fifty thousand (150,000) inhabitants and an assessed valuation of

over two hundred fifty million dollars (250,000,000) exclusive of money and credits, the County Board of said County is authorized to defray part or all of the necessary expenses of maintaining said agency and its work within said County from the general revenue fund of said County, not exceeding the sum of twelve hundred dollars ($1,200) in any one year, said expenses to be paid as other claims against said county are paid."

STATE PUBLIC SCHOOL.*

4154. **Location—Purpose**—The state public school for dependent children shall be continued at Owatonna. Its purpose shall be to furnish a temporary home for dependent and neglected children and to provide them with proper permanent homes, proper care and instruction while in said home in the branches usually taught in the common schools, and with moral, physical and industrial training.

4157. (As amended by Chapter 214, Laws 1917)—**Admission of Pupils** — Children under fifteen years of age who are dependent on the public for support, abandoned, neglected or ill treated, and who are sound of mind and free from disease, shall be received into said school. upon commitment by a juvenile court. Whenever the number of such children shall exceed the capacity of the school, preference shall be given to the younger children and to those in greatest need, and the children received shall be divided among the several counties as justly as possible, taking into consideration the number of such children in each county and its population. The state board of control or superintendent shall notify the county board of any county of the number of children that can be received from such county, whenever vacancies exist, or upon inquiry from the county board. The children of deceased soldiers shall be given preference in admission. No child who can be received into the school shall be maintained in any poorhouse. Before any child un-

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*Note.—Sections 4155-6, 4158-60, 4162 and 4169 are repealed by Chapter 214, Laws 1917.

der one year of age shall be ordered sent to said school a written statement from the superintendent shall be obtained, showing that said child can be received and cared for in said school.

4161. (As amended by Chapter 214, Laws 1917)—**Discharge from Guardianship**—A child admitted to said school shall remain therein and subject to the guardianship of the state board of control until a proper home is procured for him. The board may return or discharge each child when satisfied that he is unsound in mind, or diseased, or for other cause is not a proper inmate of this school. Upon such return or discharge the guardianship of the board shall cease and the child shall again be under the custody of his parents or guardian, or a charge upon the county from which he was sent.

4163. **Adoption and Apprenticeship** — Said board, so far as practicable, shall secure permanent homes for such children in proper families, by adoption or apprenticeship, and for that purpose may consent or authorize the superintendent to consent to the legal adoption of any such child in the same manner as his parents might have done, or it may place him in a proper family, during minority or for a shorter period, under a written contract providing for his proper education, in public schools, for teaching him some useful occupation, for kind and proper treatment as a member of such family, and for payment to the board at the termination of the apprenticeship for the use of the child of such sum as may be provided in the contract. Such contract shall reserve to the board the right of cancellation whenever in its judgment the interest of the child requires it, and to the person taking the child the right so to cancel at any time within ninety days, upon returning the child to the school free of expense

4164. **Discharge of Child**—Whenever any such child, not indentured, has become self-supporting, or his parents have become able to provide for him and are otherwise suitable, the board, by resolution, may discharge him, whereupon the guardianship of the board shall cease, and he shall be entitled to his earnings,

with power to contract for his services, or shall be returned to the custody of his parents as the board shall direct.

4165. **Agents—Appointment—Duties**—Suitable persons shall be appointed to act as agents of the school. They shall visit the wards of the board at its direction and report to it their condition, and any violation of contracts, and shall perform such other duties as the board may direct. They or the superintendent shall provide homes for the wards, investigate applications for apprentices, and, on behalf of the board, execute contracts of apprenticeship. They shall be allowed, in addition to their salaries, their necessary traveling expenses, to be audited by the state board of control.

4166. **Record of Wards**—The board shall cause to be kept at the home a record, containing the names, ages and residences of all children received; the names, residence, occupation and character, so far as known, of the living parents; the date of reception and of adoption or indenture, with the name, occupation and residence of the person with whom the child is placed; the date and cause of the cancellation of any contract; the date and cause of discharge, and a brief history of each child during minority.

4167. (As amended by Chapter 214, Laws 1917)—**Receiving and Finding Homes for Certain Children**—The state board of control is hereby authorized to receive, keep, maintain, train and find homes for such children as the controlling board or other managing authorities of any institution or association which is permitted to receive, find homes for or secure adoption for children under the supervision of the state board of control may request.

4168. (As amended by Chapter 214, Laws 1917)—**Same—Authority of State Board of Control**—The state board of control is authorized to visit and investigate the conditions of all children for whom homes have been found by any institution within the state of Minnesota which has or may at any time have been permitted by the state board of control to receive and find homes for dependent children.

4170. **Penalties**—Any parent, guardian or other person who shall abduct, conceal, entice, carry away, or improperly interfere with any child committed to the guardianship of said board, or who shall obstruct or interfere with any officer or agent in the performance of any duty imposed by this chapter, shall be guilty of a misdemeanor.

STATE TRAINING SCHOOL.

4054. **Location and Management**—The state training school for boys and girls shall be continued at its present site, Red Wing, in the county of Goodhue, and be under the general management of the State Board of Control.

Note—Sections 4055, 4056, 4057, 4058, 4059, 4060 and 4067 are repealed by Chapter 238, Laws 1917.

Chapter 266, Laws 1917. **Commitment Upon Conviction of Crime**—Whenever a juvenile court acquires jurisdiction of a child twelve years of age or over, who is charged with delinquency, and transfers such child to a justice, municipal, or district court to be tried for a crime, the trial court, upon conviction, may commit such child to the state training school for boys or the Minnesota home school for girls.

4061. **Same—Commitment — Probation**—With the commitment the court or justice shall transmit by the officer executing the same to the superintendent of the training school a copy of the record of the case, including all the evidence, and a written statement of such other particulars concerning the child as can be ascertained. Sentence of commitment may be stayed by the court and the infant placed on probation in the discretion of the court.

4062. **Same—Duties of Board—Girls—Discharge**—It shall be the duty of the board of control of state institutions to receive, clothe, maintain and instruct, at the expense of the state, all infants duly committed, as herein provided, to said training school, and keep them in their custody until their arrival at the age of twenty-one (21) years unless sooner discharged, apprenticed, paroled or transferred and said

board may, in its discretion, place any of said children, until their arrival at eighteen (18) years of age, in suitable homes, or bind them out as apprentices to such persons at such places, and to learn such trades or employment as in the judgment of the board will be most conducive to their reformation and amendment and will tend to the future benefit and advantage of said infants. Provided, however, that whenever a similar separate institution for girls shall be established and opened by the state, girls, between the ages aforesaid may be committed to and detained therein in like manner and upon the same conditions as herein provided. The board may discharge any child so committed, or may recall to the school at any time any child placed out, apprenticed, paroled or transferred and upon such recall may resume the care and control thereof. The discharge of a child by the board shall be a complete release from all penalties and disabilities created by reason of the commitment or sentence.

4063. **Duties of Board**—Said board, so far as the accommodations of the institution and the means at its disposal will permit, shall receive under its care and guardianship, and keep during their minority, or until apprenticed, placed in homes, or discharged, all infants so committed. It may place such infant, during his minority, at such employment, and cause him to be instructed in such branches of useful knowledge, as may be suitable to his years and capacity, and may place him in a suitable home, or bind him as apprentice to learn such trade or employment as will, in its judgment, be for his best advantage; and under such rules as it may prescribe, when deemed best for such infant, it may parole or discharge him from the institution. All pupils in said school shall be clothed, instructed, and maintained by said board at the expense of the state.

4064. **Commitment from Federal Courts**—Said board shall receive into its custody and guardianship, and keep until duly discharged, all infants within the prescribed ages committed to said training school by order of any court of the United States within the state for offences committed against the laws of the United States, and for the support of which

infants the United States shall undertake to pay fifty cents each per day.

4065. (As amended by Chapter 343, Laws-1917)—**Agents to Investigate Homes, Etc.**—Said board may appoint an agent or agents at a salary of not more than one hundred dollars per month and expenses, who under regulations prescribed by it, shall investigate the homes of inmates previous to their parole, and have supervision over those out on parole and those apprenticed, and perform such other duties as it may require. They shall hold office during the pleasure of the board, devote their entire time to such work, occupy no other position, and receive no other compensation for their services. They may enter any dwelling house or other building whenever they have reasonable cause to believe that any ward of said school is detained or concealed therein, and take possession of such ward when found, and every person who shall willfully resist, obstruct or interfere with them in the discharge of their duties shall be guilty of a misdemeanor.

4066. **Interference with Inmates**—Every person who shall abduct, conceal, entice, carry away or improperly interfere with any inmate of said training school shall be guilty of a misdemeanor.

4068. **Roads and Streets**—No individual, copartnership or corporation, public or private, shall lay out, construct, or open any road or street upon or through any grounds of said school without the consent of said board.

MINNESOTA HOME SCHOOL FOR GIRLS.

4069. **School Created—Commitment Laws Applicable**—There is hereby created and established a separate school for the care, training and education of girls, to be known as the "Minnesota Home School for Girls," and the provisions of chapter one hundred fifty-three (153) of the General Laws of Minnesota for the year 1895 and all acts amendatory thereof or supplementary thereto providing for the commitment of girls to the present state training school for boys and girls shall govern and regulate the commitment of girls to the school hereby established, and as

soon as the school hereby established shall be ready for occupancy, of which notice shall be given by the board of control, all girls heretofore committed to and then in the state training school for boys and girls aforesaid, created and established shall be transferred by the board of control to the school hereby established; and thereafter all girls committed under chapter one hundred fifty-three aforesaid, and acts amendatory thereof and supplementary thereto, or which may hereafter be enacted as related to the subject-matter thereof, shall be committed to the "Minnesota Home School for Girls" hereby created and established.

Chapter 293, Laws 1915. **Commitment in Certain Cases**—Any girl over the age of 8 years and under the age of 18 years, hereafter found guilty of any crime or offense for which, prior to the passage of this act, such girl, but for the fact that she was over 17 years of age, could have been lawfully committed to the Minnesota Home School for Girls, may hereafter be committed to said school.

Note—Sections 4070, 4071 and 4072 refer to the securing of a site for the school and the construction of school buildings upon the "cottage plan."

4073. **Powers of Board**—The financial control and the general supervision of said state industrial school for girls hereby created and established shall be and hereby is vested in the board of control of this state, as now provided by law in respect to other state institutions; and said Board of Control is hereby vested with power and authority to appoint a superintendent and such other officers and employes as said Board of Control may deem necessary and proper for the due administration of the affairs of said school, and may prescribe their duties, and may fix their compensation; and said Board of Control is also hereby vested with power and authority to make and establish such rules and regulations for the government and management of said school, and for the education, employment and training, discipline and safekeeping of the inmates thereof as may be deemed by it to be expedient and proper; provided, that all the officers of said school shall be women.

4074. **Advisory Board**—This section provides for the appointment by the governor annually of an advisory board of five women, to be known as the "Board of Women Visitors of the Minnesota Home School for Girls." By Section 6, Chapter 324, Laws 1915, the title of the board was changed to "Board of Women Visitors."

Chapter 182, Laws 1917. **Length of Term of Members**—That on and after the first day of August, 1917, the Board of Women Visitors of the Minnesota Home School for Girls shall be appointed by the governer of Minnesota in the following manner:

One member of said board shall be appointed for a period of one year commencing with the first day of August, 1917; two members thereof for a period of two years, commencing with the first day of August, 1917, and the other two members of said board be appointed for a period of three years, commencing with the first day of August, 1917, and that thereafter upon the expiration of their respective terms, members of the said board shall be appointed for a period of three years.

4075. **Duty of Advisory Board**—It shall be the duty of said board of women visitors to advise with the said board of control with reference to the architecture and the arrangement of the buildings erected under the provisions of this act; to visit said school at or about the time the buildings therefor are completed and report to and advise with said Board of Control as to the style and character of the furnishings thereof, and the fixtures to be placed therein, and upon such other matters as the said Board of Control may deem necessary.

4076. **Same—Inspection—Reports**—It is hereby made the duty of said board of visitors to visit said school at least twice in each year, at such times as the members of said board may deem best; to carefully inspect the buildings at each visit, and carefully examine into the condition thereof—sanitary and otherwise; to inquire into the treatment and the condition of the girls therein; and for this purpose, may examine any or

either of said girls separate and apart from any of the officers of the said school; and as soon as may be, after each visit, to report, in writing, to the Board of Control, making in connection therewith such recommendations as to said board of visitors shall seem meet and proper, in order to promote and conserve the best interests of the said school and the inmates thereof.

4077. **Compensation—Expenses**—The members of the said board of visitors shall serve without compensation, excepting that they shall receive and be paid their expenses necessarily incurred in the performance of their said duties, their said expenses to be audited by the said board of control and paid out of any appropriation made for such state institutions and debited to the account thereof.

STATE REFORMATORY FOR WOMEN.

Chapter 324, Laws 1915. **Institution Created**—There is hereby created and established a separate institution for the care, training and education of women to be known as the State Reformatory for Women. Any woman over the age of eighteen (18) years convicted by any court or magnistrate of petty larceny, of vagrancy, habitual drunkenness, of being a common prostitute or frequenting disorderly houses of prostitution, or any woman over the age of eighteen (18) years convicted of a felony, may be sentenced and committed to the State Reformatory for Women, which sentence shall be without limit as to time. The commitment and accompanying papers shall be the same as upon a sentence to the state reformatory for males. Such imprisonment shall not exceed the maximum term and may be terminated by the Board of Parole at any time after the expiration of the minimum term provided by law for the crime.

Note: Sections 2, 3 and 4, refer to the securing of a site for the institution and the preparation of plans for, and estimates of cost of, the necessary buildings on the "cottage plan."

Sec. 5. **Management**—The financial control and general supervision of said state reforma-

tory for women hereby created and established, shall be and hereby is vested in the Board of Control of this state as now provided by law in respect to other state institutions; and said board of control is hereby vested with power and authority to appoint a superintendent and such other officers and employes as said board of control may deem necessary and proper for the due administration of the affairs of said reformatory for women, and may prescribe their duties, and may fix their compensation; and said board of control is also hereby vested with power and authority to make and establish such rules and regulations for the government and management of said reformatory for women, and for the education, employment and training, discipline and safekeeping of the inmates thereof as may be deemed by it to be expedient and proper; provided, that all the officers of said reformatory shall be women.

Sec. 6. **Board of Women Visitors**—The advisory board of five women heretofore known as the "Board of Women Visitors of the Minnesota Home School for Girls," which board shall hereafter be known as the "Board of Women Visitors," shall advise with the said Board of Control with reference to the architecture and the arrangements of the buildings erected under the provisions of this act; to visit said reformatory at or about the time the buildings therefor are completed, and report to and advise with said Board of Control as to the style and character of the furnishings thereof, and fixtures to be placed therein, and upon such other matters as the said Board of Control may deem necessary.

Sec. 7. **Same—Duties**—It is hereby made the duty of the said Board of Visitors to visit said reformatory at least twice in each year, at such time as the members of said Board may deem best; to carefully inspect the buildings at each visit, and carefully examine into the conditions thereof—sanitary and otherwise; to inquire into the treatment and condition of the women therein; and for this purpose may examine any or either of said women separate and apart from

any of the officers of the said reformatory; and as soon as may be, after each visit, to report, in writing, to the board of control, making in connection therewith such recommendations as to said board of visitors shall seem meet and proper, in order to promote and conserve the best interests of the said reformatory and the inmates thereof.

Sec. 8. **Same—Expenses**—The members of the said Board of Visitors shall serve without compensation, excepting that they shall receive and be paid their expenses necessarily incurred in the performance of their said duties, their said expenses to be audited by the said Board of Control and paid out of any appropriation made for such state institutions and debited to the account thereof.

Chapter 106, Laws 1919. **Commitment in Certain Cases**—Any female who shall, after this act takes effect, be convicted of a crime, committed subsequent to the taking effect of this act, which crime, under the statute prescribing the punishment for such crime and in force at the time the crime was committed, is punishable by imprisonment in the state prison, shall not be sentenced to imprisonment in the state prison, but shall be sentenced to imprisonment in the State Reformatory for Women and shall be imprisoned therein for the same term and upon the same conditions as is provided by the statutes in force at the time the crime was committed with reference to imprisonment in the state prison.

Sec. 2. **Same**—Whenever any female shall, after this act takes effect, be convicted of any crime committed prior to the taking effect of this act, which crime is, under the statutes in force at the time the crime was committed, punishable by imprisonment in the state prison, the court in which such conviction is had, instead of sentencing such female to imprisonment in the state prison, shall sentence her to imprisonment in the State Reformatory for Women, and such female shall thereupon and thereafter be imprisoned in said State Reformatory for Women, for the term and upon the same conditions prescribed by the statutes in force at

the time the crime was committed, with reference to imprisonment in the state prison.

Sec. 3. **Transfer of Female Inmates of Prison**—The Board of Control is hereby authorized upon the taking effect of this act, to transfer any female prisoners then imprisoned in the state prison to the State Reformatory for Women and such females shall thereafter be imprisoned in said State Reformatory for Women during the then unexpired term and upon the conditions applicable to their several sentences and commitments to said state prison. Upon the transfer of any prisoner from the state prison to the said State Reformatory for Women the warden of the prison shall deliver to the superintendent of the State Reformatory for Women the commitment papers relating to any such prisoner.

Sec. 4. **Time Effective**—This act shall take effect and be in force from and after the time when the Board of Control of the state of Minnesota shall file in the office of the secretary of state of the state of Minnesota a certificate reciting that the construction and equipment of the State Reformatory for Women (now in process of construction and equipment) has been so far completed as to be suitable for detention of prisoners therein.

STATE REFORMATORY.

(For indeterminate sentence law and sections relating to state reformatory and state prison, see page 120 of this pamphlet.)

9322. **Location and Management**—The state reformatory shall be continued at its present site in Sherburne county and be under the general management of the Board of Control.

9323. **Sentence—Term of Imprisonment**—Any male person not less than sixteen nor more than thirty years of age, convicted of a crime punisnable by imprisonment in the state prison, and never before sentenced to a state prison or reformatory, may be sentenced to the reformatory, which sentence shall be without limit as to time. The commitment and accom-

panying papers shall be the same as upon a sentence to the state prison. Such imprisonment shall not exceed the maximum term, and may be terminated by the board of control at any time after the expiration of the minimum term provided by law for the crime. Whenever after sentence to the reformatory the term of confinement for such offense has been reduced by law, said board may release after service of such reduced term.

Note. 9332 and 9333 (Parole and Supervision of Prisoners) omitted. See indeterminate sentence law on page 120 of this pamphlet.

9326. **Register of Convicts**—Whenever any person is received into the reformatory upon direct sentence thereto, the superintendent shall cause to be entered in a register the date of his admission, his name, age, nativity, nationality, and such other facts as can be ascertained of his parentage, early social influences and tendencies, and an estimate of his present condition and of the best probable plan of treatment. At least once every three months minutes shall also be made thereon of observed improvements or deterioration of character, methods of treatment employed, orders or charges affecting the standing of such convict, the circumstances of his final release, and such facts of his subsequent history as may be ascertained.

9327. **Record of Conduct—Release—Citizenship**—Each prisoner shall be credited for good personal demeanor, diligence in labor and study, and results accomplished, and be charged for derelictions, negligences, and offenses, under such uniform system of marks or other method as shall be prescribed by the Board of Control; he shall be informed of his standing under such system each month, and be permitted during each month to converse with some member of the board. Whenever said board shall grant an absolute release, it shall certify the fact and the grounds therefor to the governor, who may, in his discretion, restore the person released to citizenship. But no application for such release shall be entertained by the board.

9328. **Instruction in Trades—Contract System Prohibited**—The board shall cause the inmates

to be instructed in trades or employments for which they seem best fitted. Contract labor is hereby prohibited in the reformatory, and no inmate thereof shall be required to labor at stonework more than eight hours per day.

9329. **Crushing Rock for Roads**—The state board of control of the state of Minnesota is hereby authorized and directed to purchase such machinery and appliances as may be necessary in addition to those now belonging to the state of Minnesota at the Minnesota state reformatory, and promptly proceed to cause the spalls and waste rock now on the grounds of said reformatory, and such spalls and waste rock as shall hereafter accumulate at said reformatory to be suitably crushed for roadmaking purposes.

9330, as amended by chapter 225, Laws 1919. **Same—Sale of**—Such crushed rock, in excess of the needs of said reformatory of construction of buildings of said reformatory, and for the making of roads upon the grounds thereof, shall be sold by the Board of Control to the several counties of this state for use upon state roads. The same shall be so sold at such price as shall be agreed upon and fixed by agreement of the Board of Control and the commissioner of highways. The amount received by the Board of Control shall be used for the maintenance and developing of the rock-crushing industry at said institution.

Chapter 159, Laws 1917. **Clothing and Money for Inmates on Discharge**—Upon the discharge of any inmate of the state reformatory, the superintendent, at the expense of the state, shall furnish each inmate released with one good, serviceable suit of clothing and underclothing and when released between October 1st and March 31st following, with a good, serviceable overcoat; and he shall pay to each inmate, when released, twenty-five dollars in money drawn from the current expense fund.

STATE PRISON.

(For other sections relating to state prison see page 120 of this pamphlet.)

9289. **Location and Management**—The state prison shall be continued at its present site in

Stillwater for the confinement and reformation of convicts, and be under the general management of the board of control.

(See also 1909, chapter 27, an act authorizing the completion of the construction of the new state prison, etc.)

Sentence—Parole—Discharge, etc. See indeterminate sentence law on page 120 of this pamphlet.

9300. **United States Convicts**—Every convict duly committed to said prison by authority of the United States shall be received, maintained and disciplined in compliance with his sentence, in the same manner as other prisoners therein, upon payment made by the United States of forty cents per day, the cost of all discharge clothing furnished, the expense of every additional guard required, and $1 per month for the use of the convict.

9302. **Separate Cells**—Whenever there are cells sufficient, each convict shall be confined in a separate cell.

9297. **Clothing and Food—Money on Discharge**—Convicts shall be supplied with substantial, wholesome food in sufficient quantities, and bedding and clothing of coarse material. Upon discharge, the warden, at the expense of the state, shall furnish each convict released with one good serviceable suit of clothing and underclothing, and, when released between October 1 and March 31 following, with a good serviceable overcoat; and he shall pay to each convict when released $25 in money drawn from the current expense fund.

9301. **Discipline**—If any convict shall offer violence to any officer, guard, or any other person or convict, they may defend themselves in any manner and by any means which may appear to be necessary under the circumstances. If any such convict shall attempt to injure the buildings or appurtenances, or to resist the lawful authority of any officer or guard, or shall refuse to obey their reasonable demands, such officer or guard may enforce obedience and discipline in such manner as may appear necessary; and if, in so doing, any convict so resist-

ing lawful authority shall be necessarily wounded or killed by such officer, guard, or assistants, they shall be held justified.

9309. **Terms May be Diminished Whether Confined in State Prison or on Parole**—Every convict sentenced for a definite term other than life, whether confined in the state prison or on parole therefrom, may diminish such term as follows:

First—For each month, commencing on the day of his arrival, during which he has not violated any prison rule or discipline and has labored with diligence and fidelity, five days.

Second—After one year of such conduct seven days for each month.

Third—After two years of such conduct nine days for each month.

Fourth—After three years, ten days for each month for the entire time thereafter.

Said board, in view of the aggravated nature and frequency of offenses, may take away any or all of the good time previously gained, and in consideration of mitigating circumstances or ignorance on the part of the convict, may afterwards restore him, in whole or in part, to the standing he possessed before such good time was taken away. Whenever a convict shall pass the entire period of his imprisonment without an unexcused violation of the rules or discipline, upon his discharge he shall be restored to his rights and privileges forfeited by conviction, and receive from the governor a certificate, under the seal of the state, as evidence of such restoration.

9305. **Convicts May Communicate with Warden or Board**—Every convict may communicate, in writing, with the warden and Board of Control, under regulations prescribed by said board for that purpose.

9306. **Contagious Disease—Removal of Convicts**—In case of an epidemic of any infectious or contagious disease in said prison, whereby the health or lives of the prisoners may be endangered, the warden, with the approval of the Board of Control, may cause the prisoners so affected to be removed to some other secure

and suitable place or places for care and treatment; and, should said prison be destroyed, in whole or in part, by fire or other casualty, so as to become unsuitable for proper detention and custody of the convicts, the warden, with the approval of said board, may remove them or any number thereof to such other safe and appropriate place as may be provided.

9296. **Visitors—Fees**—Members of the state board of control, the governor, lieutenant governor, members of the legislature, state officers, and regularly authorized ministers of the gospel may visit the prisoners at pleasure, but no other persons without special permission of the warden, under rules prescribed by said board. A moderate fee may be required of visitors other than those allowed to visit at pleasure. All fees so collected shall be reported and remitted to the state treasurer under such rules and regulations as the state board of control may deem proper, and when so remitted shall be placed to the credit of the current expense fund of the institution.

9308. **Communication with Convicts**—No person without the consent of the warden shall bring into or carry out of the prison any writing or any information to or from any convict. Every violation of this provision shall be a misdemeanor and punished accordingly. On discovery such person may be arrested by any prison officer without warrant. (See also section 8589 on page 130.)

9303. **Intoxicating Liquors**—No spirituous or fermented liquors shall be brought into or upon the grounds of the prison, under any pretense whatever, except by direction of the prison physician.

9295. **Contractors Not to be Employed—Compensation**—No prison contractor or his agent or employe, and no person directly or indirectly interested in any business carried on therein, shall hold office or employment in said prison. Nor shall any officer or employe therein be directly or indirectly interested in any contract, purchase or sale for or on account of the prison, or receive any compensation for services performed for or on behalf of any contractor, or

for his services other than that prescribed by law. And no official or employe shall receive any gift from a prisoner therein, or any money or other consideration for services rendered or to be rendered to him. Every contractor, his agent or employe violating any provision of this section shall be thereafter barred from obtaining any contract for labor in said prison, and every officer or employe violating the same shall he discharged, and thereafter disqualified from holding any position therein.

9312. **Selling of Labor of Convicts Prohibited**—That after the passage and approval of this act it shall be unlawful for the State Board of Control, or the warden of the state prison, or any person exercising control of or supervision over any convict sentenced to and confined in said prison, to enter into any contract or agreement, or any arrangement whereby the labor or service of said convict is either sold or leased or otherwise disposed of for hire to any person or to any party. (Contracts existing at passage of act excepted.)

9291. **Revolving Fund Created**—That there is hereby created a state prison revolving fund available for the purpose of carrying on all industrial enterprises which heretofore have been or hereafter may be authorized by law to be carried on at the state prison at Stillwater, Minnesota.

9292. **Same—How Made Up**—The said fund shall consist of the one hundred and fifty thousand dollars appropriated as available for the manufacture of binding twine at said prison, in and by chapter 163 of the general laws of 1891, together with and including all net earnings or net profit of the said manufacture of binding twine at said prison which have accrued since the enactment of said chapter and which have meanwhile been added to said original appropriation, which said additions thereto are hereby legalized, and all the future net earnings or net profits of any and all industries carried on at said state prison under authority of law and as now or hereafter authorized by law.

9293. **Same—How Used**—Said funds shall be used for the purchase of raw materials, pay-

ment of salaries and wages, and other expenses necessary and proper in the conduct of said industrial enterprises, authorized by law, and for such other purposes, or be devoted to such other uses, as may hereafter be by law authorized.

9294. **Same—How Paid—Contingent Fund—** Said fund shall be deposited in the state treasury and paid out only on such proper vouchers as may be authorized and approved by the State Board of Control, and in the same manner and under the same restrictions as are now provided by law for the disbursement of funds by said State Board of Control.

Provided, that said Board of Control is hereby authorized to keep and maintain at said prison a contingent fund as provided in section 1896, Revised Laws 1905, but said contingent fund shall be at all times covered and protected by a proper and sufficient bond to be duly approved as by law now provided.

9290. **Revolving Fund—Borrowing—**The board of control of state institutions and the warden of the state prison are authorized, whenever in their judgment it becomes necessary in order to meet the current demands on the revolving fund of the state prison, to borrow such sums of money as may be necessary. Such sums so borrowed, however, shall not exceed in any one year seventy-five per cent (75 per cent) of the total of the revolving fund of said prison.

Chapter 25, Laws 1919. **Borrowing From State Treasury—**Whenever the Board of Control and the warden of the state prison shall certify to the state auditor and state treasurer, that in their judgment it is necessary to borrow a specified sum of money in order to meet the current demands on the revolving fund of the state prison, the state treasurer and state auditor may, in their discretion, transfer and credit to the revolving fund, from any moneys in the state treasury not required for immediate disbursement, the whole or such part of the amount so certified as they deem advisable, which sum so transferred shall be repaid by the Board of Control from said revolving fund to the fund or funds from which the same was transferred, at such time as shall be specified by said state treasurer and state auditor, together with in-

terest thereon at such rate as shall be specified by the state auditor and state treasurer, not exceeding four per cent per annum. When any transfer shall so have been made to the revolving fund of the state prison the state treasurer and state auditor shall notify the Board of Control and the warden of the state prison of the amount so transferred to the credit of said revolving fund, the date when the same is to be repaid and the rate of interest so to be paid.

9315. **Factory for Agricultural Machines—Other Articles Not Manufactured by Free Labor**—The state board of control is hereby authorized, empowered, and directed to establish, construct, equip, maintain and operate, at the state prison at Stillwater, a factory for the manufacture of rakes, mowers, harvesters and binders, and the extra parts thereof, and for that purpose to employ, and make use of, prisoners at any time available therefor and as largely as may be, and such, but only such, skilled laborers as in the judgment of the said board of control and the warden of the state prison may be necessary for the feasible and profitable employment of the said prisoners; provided, however, that said state board of control is hereby also authorized, empowered and directed to employ and make use of the labor of any prisoners available for the purposes aforesaid which may not be at any time feasibly used therefor, in the manufacture of any other machine or article of commerce not manufactured by free labor employed in this state in the manufacture thereof, and for the purpose of, and to give full effect to this act, said board of control may use all of or any part of not exceeding two hundred fifty thousand dollars of the existing state prison revolving fund created by and existing under chapter 151 of the laws of 1909; but provided further, that said state board of control shall at all times, in the line of manufacturing herein first authorized and directed, employ and make use of prison labor to the largest extent feasible so far as the same is available.

9316. **Same—Sale of Machines**—The said board of control shall cause the machines and extras manufactured at said factory to be sold under

and pursuant to such rules and regulations as the board of control shall make from time to time for the sale thereof, and shall be sold for cash or security approved by the warden.

9313, as amended by chapter 201, Laws of 1919. **Sale of Binding Twine**—The price of binding twine manufactured at the state prison shall be fixed by the warden and the state Board of Control not later than March 1st, each year. The State Board of Control, in its discretion, may agree to allow to purchasers of binding twine, a discount from the price so fixed, on condition payment for twine purchased is made by the purchaser at the time agreed upon for such payment, as follows: On a single purchase and shipment of not less than three thousand (3,000) pounds, one-eighth of one cent per pound; on a single purchase and shipment of not less than ten thousand (10,000) pounds, one-fourth of one cent per pound; on a single purchase and shipment of not less than a car load lot, one-half of one cent per pound. Such twine shall be sold to actual cunsumers in quantities needed for their use, and to dealers within the state, under such rules and regulations as may be provided by said Board, for cash or security, approved by the warden. Dealers desiring to purchase such twine shall enter into a written agreement with the state to sell only to actual consumers within the state for their own use. Such agreement shall also provide that when such twine is sold for cash it shall be at a price not greater than one cent per pound above the purchase price and freight from the prison to the station where such twine is sold, and when such twine is sold on time, at a price not greater than one and a half cents per pound above the purchase price and freight, as hereinbefore prescribed.

Reservation of 4,000,000 pounds—The Board shall cause to be held in reserve at the prison until March 1st of each year four million pounds of twine for the purpose of filling club and cash orders received from consumers, and thereafter until July 1st of each year said Board shall reduce such reserve to five hundred thousand pounds, after which date all twine shall be sold.

The state shall retain a contingent interest in twine so sold, and if any dealer shall violate his said agreement, the state Board of Control may declare such twine forfeited to the state and retake possession thereof. Every dealer purchasing such twine shall keep it separate from other twine and also keep a correct record of all his sales, showing the date, amount, price and name and postoffice address of purchaser, which shall be open to the inspection of the warden, state Board of Control and the proper county attorney. Every dealer who shall violate the terms of said written agreement, and every person violating any provision of this section, shall be guilty of a gross misdemeanor.

Twine May Be Sold to Dealers Outside State—Provided, that whenever, in the opinion of the state Board of Control and the warden of the prison, the best interests of the state require such action, such binding twine may be sold to dealers or consumers without the state.

Chapter 58, Laws 1917. **Sale of Land Acquired on Settlement of Debt**—Whenever the state of Minnesota shall have heretofore or shall hereafter acquire title to any land in the course of legal proceedings for the collection of a debt arising out of the sale by the state of farm machinery, binding twine or other articles manufactured or improved at the state prison, the same may be sold by the governor to such persons and for such price as shall be recommended by the warden of the state prison and the governor is hereby authorized to execute in the name of the state and in its behalf any deeds or conveyances necessary or desirable to convey the title and interest of the state to the purchaser and the proceeds of such sale be paid into the state treasury to the credit of the appropriate prison fund.

STATE REFORMATORY AND STATE PRISON
(Laws Applying to Both Institutions.)

9267. (As amended by Chapter 319, Laws 1917)—**Maximum Term of Imprisonment Authorized in Certain Cases**—Whenever any person is convicted of any felony or crime committed

after the passage of this act, punishable by imprisonment in the state prison or state reformatory, except treason or murder in the first or second degree as defined by law, the court in imposing sentence shall not fix a definite term of imprisonment, but may fix in said sentence the maximum term of such imprisonment, and shall sentence every such person to the state reformatory or to the state prison, as the case may require, and the person sentenced shall be subject to release on parole and to final discharge by the board of parole as hereinafter provided, but imprisonment under such sentence shall not exceed the maximum term fixed by law or by the court, if the court has fixed the maximum term, provided that if a person be sentenced for two or more such separate offenses sentence shall be pronounced for each offense, and imprisonment thereunder may equal, but shall not exceed the total of the maximum terms, fixed by law or by the court if the court has fixed the maximum term for such separate offenses, which total shall, for the purpose of this act, be construed as one continuous term of imprisonment. And provided further that where one is convicted of a felony or crime that is punishable by imprisonment in the state prison or state reformatory or by fine or imprisonment in the county jail, or both, the court may impose the lighter sentenc if it shall so elect.

Sec. 2. Section 9268 of the General Statutes of Minnesota for 1913, is hereby repealed.

Effective April 17, 1917.

9269. **State Board of Parole**—A board having power to parole and discharge prisoners confined in the state prison or state reformatory is hereby created, to be known and designated as the "state board of parole." Said board shall be composed of four persons, viz: the member of the state board of control oldest in continuous service as a member of said board of control shall be ex-officio a member of said board of parole, and chairman thereof; the warden of the state prison at Stillwater shall be ex-officio a member of said board of parole and secretary thereof; the superintendent of the state reformatory at St.

Cloud shall be ex-officio a member of said board of parole and assistant secretary thereof; the fourth member thereof shall be a citizen of this state who shall be appointed by the governor by and with the consent of the senate.

The assistant secretary shall have the powers and shall perform the duties of the secretary in case of the latter's absence from the state, absence from any meeting of the board of parole, or sickness or inability to act. All records and papers attested or authenticated by the assistant secretary shall have the same force and effect as though the same were made, attested or authenticated by the secretary. Any two of said board shall constitute a quorum, with power to act.

9270. **Continuation of Board**—The board of parole constituted under the provisions of this act shall be deemed a continuation of the board of parole constituted under the provisions of chapter 298, laws 1911 (9267-9280), and the citizen member thereof shall continue to hold such office for the time for which he was originally appointed, and all matters and proceedings pending before the board of parole as constituted before the passage of this act shall be carried on and completed by the board as constituted under the provisions of this act.

9271. **Registers and Records**—The state board of parole shall cause to be kept at the state prison and state reformatory such registers and records of the prisoners in said respective institutions as they may from time to time require, and said board shall keep a separate record of all its acts relating to each of said institutions, and the persons confined in, removed or committed thereto, or paroled or discharged therefrom, and the secretary shall furnish a copy thereof to the State Board of Control.

9272. **Citizen Member of Board—Compensation—Expenses**—The citizen so appointed as a member of said state board of parole shall hold his office for a term of six years and until his successor is appointed and qualified, and shall receive as compensation the sum of fifteen dol-

lars per day for each day actually spent in the discharge of his official duties, and all necessary expenses while on official business. The other members of the board shall receive no additional salaries or compensation for services performed as provided therein. Said per diem and all the expenses of said state board of parole, including expenses of all investigations authorized by this act, and of all appointees and employes thereof, and the salaries of the same, shall be verified, audited and paid through the State Board of Control in the same manner that expenses and salaries of the members and employes of said State Board of Control are verified, audited and paid, and in respect thereto shall be subject to all of the laws and rules governing said State Board of Control, and such salaries and expenses shall be paid out of the funds of said state prison and said state reformatory in the proportion that may be determined by said State Board of Control.

9273. **Powers of Board**—The said state board of parole may parole any person sentenced to confinement in the state prison or state reformatory, provided that no convict serving a life sentence shall be paroled until he has served thirty-five years, less the diminution which would have been allowed for good conduct had his sentence been for thirty-five years, and then only by unanimous consent in writing of the members of the board of pardons. Such convicts while on parole shall remain in the legal custody and under the control of the state board of parole, subject at any time to be returned to the state prison or state reformatory, and the written order of said board, certified by the warden or superintendent of the state reformatory, shall be a sufficient warrant to any officer to retake and return to actual custody any such convict. Geographical limits wholly within the state may be fixed in each case, and the same enlarged or reduced according to the conduct of the prisoner.

In considering applications for parole or final release, said board shall not be required to hear oral argument from any attorney or other person not connected with the prison or reformatory in favor of or against the parole or release

of any prisoners, but it may institute inquiries by correspondence, taking testimony or otherwise, as to the previous history, physical or mental condition and character of such prisoner, and each member of said board is hereby authorized to administer oaths to witnesses for every such purpose.

9274. **Credits for Prisoners—Release**—Each prisoner shall be credited for good prison demeanor, diligence in labor and study and results accomplished, and be charged for derelictions, negligences and offenses under such uniform system of marks or other methods as shall be prescribed by the board. He shall be informed of his standing under such system each month. Whenever said board shall grant an absolute release it shall certify the fact and the grounds therefor to the governor, who may in his discretion restore the prisoner released to citizenship. But no application for such release shall be entertained by the board.

9275. **Duty of Board—Final Discharge**—It shall be the duty of the state board of parole to keep in communication, as far as possible, with all prisoners who are on parole and also with their employers, and when any person upon parole has kept the conditions thereof in such manner and for such period of time as shall satisfy the board that he is reliable and trustworthy, and that he will remain at liberty without violating the law, and that his final release is not incompatible with the welfare of society, then said board shall have power in its discretion to grant to such prisoner a final discharge from confinement under any such sentence, and thereupon said board shall issue to such prisoner a certificate of such final discharge, and shall also cause a record of the acts of said prisoner to be made showing the date of his commitment, his record while in prison, the date of his parole, his record while on parole, and their reasons for determining his final discharge, together with any other facts which such board may deem proper, and shall forward such record to the governor, together with the recommendation of said board as to whether such prisoner should be restored to any of the rights and privileges of citizenship, and the governor may in his discretion restore

such person so released to any or all of the rights and privileges of citizenship except in cases where deprivation of any of the rights or privileges of citizenship is specifically made a part of the penalty for the offense for which such person shall have been committed. Nothing in this act shall be construed as impairing the power of the Board of Pardons to grant a pardon or commutation in any case.

9276. (As amended by Chapter 262, Laws 1917)—**Persons Convicted for Offenses Prior to 1912**—All persons convicted and sentenced to imprisonment in the state prison or in the reformatory prior to the year 1912, shall have the same right of parole and discharge as those convicted since that year, and all the powers, duties and functions conferred by law upon and exercised by the board of parole with reference to the custody and control of any person convicted of a crime committed subsequent to April 20, 1911, and paroled under the provisions of Chapter 298, Laws 1911, and the acts amendatory thereof, shall extend to and be applicable to any such person when paroled.

9277. **Supervision by Board—Agents**—Said board of parole as far as possible, shall exercise supervision over paroled and discharged convicts and when deemed necessary for that purpose, may appoint state agents, fix their salaries and allow them traveling expenses. It may also appoint suitable persons in any part of the state for the same purpose. Every such agent or person shall perform such duties as said board may prescribe in behalf of or in the supervision of prisoners paroled or discharged from the state prison, state reformatory, or other public prison in the state, including assistance in obtaining employment and the return of paroled prisoners. Such agents and such persons shall hold office at the will of the Board of Parole and the person so appointed shall be paid reasonable compensation for the services actually performed by them. Each shall be paid from the current expense fund of the institution or institutions for whose benefit he was appointed.

9278. **Duty of County Attorney**—It shall be the duty of the county attorney upon the

conviction of any person to the state prison or reformatory, to furnish to the warden or superintendent thereof, as the case may be, all information and data in his possession relating to the history and character of every such person so convicted, and a brief synopsis of all information in his possession relating to the commission of the crime of which such person is convicted.

9279. **Rules Governing Paroles, Etc.**—Said board of parole shall have power from time to time to make, alter, amend and publish rules governing the granting of paroles and final discharges and the procedure relating thereto, and as to the conditons of parole and the conduct and employment of prisoners on parole, and such other matters touching the exercise of the powers and duties conferred upon said board by this act as to their agents and employes as said board may deem proper.

9280. **Acts Repealed, Etc.**—All acts and parts of acts in conflict herewith are hereby repealed, provided that the repeal thereof shall not in any manner affect the parole, release, discharge, custody, retaking or re-confinement of any prisoner now or heretofore confined, paroled, or subject to be re-taken or reimprisoned.

9298. **Commitment Papers—Duty of Clerk and Officer**—The clerk of every court by which a convict shall be sentenced to the state prison or state reformatory shall furnish the officer or person having such convict in charge a record containing a copy of the indictment and plea, the name and residence of the judge presiding, of the prosecuting officer, of the convict's attorney, of the jurors, and of the witnesses sworn on the trial, such synopsis of the testimony as the judge may direct, the charge of the court, the verdict, and the sentence, with the date thereof, together with the convict's statement under oath, if obtainable from him, as to his true name, his residence, if any, the date and place of his birth, the names and addresses of his parents and other relatives and of persons by whom he has been employed or is well known, his social and other affiliations, his past occupations and employments, his former places of residence and the period of time

he has resided in each, with the dates thereof, and in cases in which the convict pleads guilty his citizenship, the number, dates, places and causes of prior arrests, and the event thereof, his detailed account of the facts indicating his guilt; to which shall be attached, in all cases, the impressions of the trial judge as to the mental and physical condition of the convict, his general character, capacity, disposition, habits and special needs; which record, duly certified by such clerk under his official seal, may be used as evidence against such convict in any proceeding for release taken by habeas corpus. The synopsis above referred to shall be furnished by the stenographer acting on the trial, and, in case there is none, by the county attorney. The clerk shall also deliver to the sheriff or other officer or person conveying such convict to the state prison, state reformatory, or other place of confinement specified therein, a certified commitment directing him to deliver such convict and the aforesaid copy of record to the principal officer in charge of the prison or reformatory, and take his receipt therefor.

9299. **Same—Payment of Stenographer**—When such synopsis of testimony is furnished by the stenographer acting on the trial he shall be paid therefor by the county on certificates duly certified to by the judge presiding at the trial, and filed with the county auditor, the same fee per folio provided by statute for transcripts of testimony furnished to parties ordering same in civil proceedings.

9310. **Vocation of Convict—Examination by Court**—Every court, before imposing a state prison or reformatory sentence, shall ascertain by examination of the convict on oath, and such other evidence as can be obtained, the business, if any, followed by him before his arrest, whether he had learned and practiced any mechanical trade, and, if so, the nature thereof, and length of time followed. The clerk shall enter upon the minutes the facts so ascertained by the court and deliver a certificate thereof to the sheriff of the county and other proper officer, who shall cause the same to be delivered to the warden, superintendent, or other chief officer of the state prison or reformatory at the time of the commitment. Every person

committed to such institution shall be regularly employed at and compelled to perform a reasonable amount of hard labor in some industrial work, unless exempted on account of sickness or other disability.

Sentence should be to hard labor. (68 Minn. 465, 71 N. W. 681.)

9311. **No Contract Labor—Tools and Machinery**—No contracts for leasing the labor of prisoners confined in any such institution, at a certain rate per diem, giving the contractor full control of the labor of the prisoners, shall be made; but such prisoners shall be employed under regulations established by said Board of Control, in such industries as shall from time to time be fixed upon by the officers in charge and said board, or in the manufacture of articles by the piece, under the so-called "piece price system," by contracts with persons furnishing the materials. The chief officer, under the direction of said board, shall purchase such tools, implements and machinery as they shall deem necessary for the work.

9314. **Number Employed In One Industry**—The number of prisoners employed in a single industry at the same time, at any institution coming under the provisions of this act, shall not exceed 10 per cent of the total number of men engaged in such industry in this state, unless a greater number is necessary to produce materials or articles to be supplied to state and other municipal institutions, penal or charitable. The number employed in any such industry shall be determined by a commission of three (3), to consist of the labor commissioner, who shall be chairman, a member of the board of control, and a citizen of the state engaged or interested in some manufacturing industry, not connected with the state prison, or reformatory; the last two to be appointed by the governor. Provided, however, that this section shall not apply to the number of prisoners employed in the manufacture of binding twine in the state prison at Stillwater, nor shall it apply to the number of prisoners employed in the manufacture of brushes at the state reformatory now at St. Cloud, nor shall it apply to the number of prisoners hereafter employed in the manufacture of

binders, mowers and rakes at the state prison at Stillwater, nor shall it apply to the number of prisoners hereafter employed at the state prison at Stillwater in any industry not now carried on in this state and which may be hereafter inaugurated at said state prison.

9320. **Prisoners in Prison or Reformatory—Compensation**—That the state board of control be and it is hereby authorized and empowered to provide for the payment to prisoners confined in the state prison or in the state reformatory of such pecuniary earnings and for the rendering of such assistance as it may deem proper, under such rules and regulations as it may prescribe. Such earnings shall be paid out of the fund provided for the carrying on of the work in which the prisoner is engaged when employed on state account and by the contractor when the prisoner is employed under contract; and such assistance, when allowed, shall be paid out of the current expense fund of the institution.

9321. **Same—Moneys, How Used—Forfeiture**—Any money arising under section 1 of this act shall be and remain under the control of the state board of control, to be used for the benefit of the prisoner, his family or dependent relatives under such regulations as to time, manner and amount of disbursements as the board may prescribe. But should any such prisoner wilfully escape from the state reformatory or the state prison, or become a fugitive from justice, or commit any breach of discipline at either institution, the said Board of Control may in its discretion cause the forfeiture of all earnings remaining to the prisoner's credit, and the same shall be replaced in the fund from which it was originally taken.

9307. **Reward for Escaped Convict**—Upon the escape of a convict from the state prison or reformatory, the warden or superintendent, as the case may be, shall use all proper means for his apprehension and return, and for that purpose may offer a reward of not more than $25, and, with the approval of the Board of Control, a further sum, not exceeding $100, to be paid from the state treasury; provided that such warden or superintendent, as the case may be,

shall himself pay such reward if the escape is due to his negligence or that of any officer under him.

9324. (As amended by Chapter 237, Laws 1917)—**Transfer of Prisoners**—The Board of Control may transfer from the reformatory to the state prison, and from the state prison to the reformatory, whenever in its judgment such transfer will be advantageous to the person transferred or to the institution from which such transfer is made. Said board shall make all needful rules for the employment, discipline, instruction, removal, release, or return of inmates of said institution.

9325. (This section relates to expenses of sheriff conveying prisoners to the state prison and state reformatory.)

9317. **Habitual Drinkers**—No person shall be appointed as an officer or employe of any state prison or state reformatory who is in the habit of using intoxicating liquors, and a single act of intoxication shall justify a removal or discharge.

Note—Sections 9318 and 9319 omitted. See indeterminate sentence law, page 120.

8589. **Unauthorized Communication With Prisoners**—Every person who, not being authorized by law or by written permission from the state board of control, or by consent of the warden of the prison or superintendent of the reformatory, shall have any verbal communication with a convict in the state prison or state reformatory, or shall bring into or convey out of such prison or reformatory any writing, clothing, food, tobacco, or other article whatsoever, to or from any convict under sentence, shall be guilty of a misdemeanor.

9304, as amended by chapter 241, Laws 1915. **Opium, Intoxicating Liquors, Firearms, Explosives—Penalty**—Any person who brings, sends, or in any manner causes to be introduced into the state prison or the state reformatory, of this state, or within the grounds belonging to any such institution, any opium, morphine, cocaine, or other narcotic, or any intoxicating

liquor of any kind whatever, or any firearms, weapons, or explosives of any kind, without the consent of the warden of the state prison or the superintendent of the state reformatory, respectively, shall be guilty of a felony and upon conviction thereof shall be punished by imprisonment in the state prison for a term of not less than one year nor more than three years.

SANATORIUM FOR CONSUMPTIVES.

4131. **Advisory Commission**—The advisory commission of the State Sanatorium for Consumptives shall consist of five licensed physicians, appointed by the governor, and shall at all times include at least one homeopathic physician. Each shall hold office for five years, and until his successor qualifies. Every vacancy shall be filled by like appointment for the unexpired term. For cause, the governor may remove any commissioner. No member shall receive any compensation for his services as such, but each shall be allowed necessary expenses, incurred in the performance of his duties, payable by the state.

4132. **Buildings—Superintendent**—From the moneys appropriated for the purpose, the Board of Control shall erect and equip buildings, suitable for the care of consumptives, upon the site heretofore acquired therefor. All plans for buildings must be approved by the advisory commission. The board shall appoint a licensed physician to be superintendent of the sanatorium. Subject to the authority and approval of the board, he shall have entire charge of the administration thereof, appoint all employes and fix their compensation, pass upon the admission and discharge of patients and supervise their treatment and keep such books and records as the board may require.

4133. **Admission—Examination, Etc.**—Only persons who have resided in the state throughout the year preceding application and who are afflicted with incipient pulmonary tuberculosis shall be received into the sanatorium. Persons desiring admission shall apply to the superintendent, and all applications shall be numbered in the order of receipt. When a vacancy exists the superintendent shall give to

the person whose name is first upon the list an order for examination directed to any examining physician. The advisory commission shall appoint such physicians, not exceeding three for each county, whose fee for examination shall be three dollars, payable out of funds appropriated for the sanatorium. The examiner shall determine whether the applicant is afflicted as aforesaid and report his conclusion to the superintendent. The board shall fix the amounts to be charged for maintenance and treatment. A person unable to pay such charges and without kindred legally liable therefor and able to pay may be admitted on request of his county board, and the charges shall be paid by the county.

Chapter 325, Laws 1915. **State Forester to Give Employment to Patients**—The state forester is hereby authorized and directed that in the employment of labor whenever it is necessary to reforest the state lands of the state, or to perform such other labor as will by him be deemed proper in the care of such lands, he shall consult the superintendent of the state sanatorium for consumptives and find from such superintendent, those persons who are able to perform labor who have received treatment at said sanatorium or a county sanatorium for three months and shall in the employment of such laborers give preference to those who are in his judgment competent to perform such labor.

Sec. 2. The compensation to be paid for such labor shall be the same as that received by others for like services.

HOSPITAL FOR INDIGENT CRIPPLED AND DEFORMED CHILDREN.

4135. **Establishment and Location**—That there is hereby established a state hospital for indigent crippled and deformed children of the state of Minnesota, which shall be known as the "State Hospital for Indigent Crippled and Deformed Children," and such hospital is hereby located upon the following described lands in the city of St. Paul, county of Ramsey and state of Minnesota, to-wit: (Lands described in the preamble of the act.)

4136. **Control and Management—Who May Be Admitted**—Said hospital shall be under the control and management of the State Board of Control, and said Board of Control is hereby authorized and empowered to make provision for the care and treatment in such hospital of indigent children who may have resided within the State of Minnesota for not less than one year, who are crippled or deformed, or are suffering from disease through which they are likely to become crippled or deformed, and such board is authorized and empowered to make the necessary contracts for the maintenance and care of such children in said hospital.

4137. **Rules and Regulations**—The said State Board of Control shall adopt such rules and regulations as said board may deem proper and necessary for the admission, discharge, care, treatment and education of such children.

4138. **Sanitarium and School**—This section appropriates $55,000.00 for the purpose of constructing and equipping (on certain lands described) "a fresh air sanitarium and educational and industrial school building at Phalen Park, St. Paul for the indigent crippled and deformed children of the State of Minnesota, and to care for and educate such other indigent crippled persons as are unable to support themselves, and may be admitted to such institution by the Board of Control of the State of Minnesota."

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